EXHIBIT 39

Page 1	Page 2
IN THE UNITED STATES DISTRICT COURT for the MIDDLE DISTRICT of PENNSYLVANIA ELLEN GERHART, ELISE GERHART, :	APPEARANCES: 2 3 WILLIAMS CEDAR LLC BY: CHRISTOPHER MARKOS, ESQUIRE
ALEX LOTORTO and ELIZABETH : GLUNT : Plaintiffs : NO. 17-1726-YK :	4 1515 Market Street, Suite 1300 Philadelphia, Pennsylvania 19102 5 (215) 557-0099 Cmarkos@williamscedar.com
-VS- : : ENERGY TRANSFER PARTNERS, : L.P., et al.	6 Representing the Plaintiffs 7 8
Defendants ***** THURSDAY, MAY 5, 2022 *****	LENGERT & RAIDERS LLC 9 BY: RICHARD A. RAIDERS, ESQUIRE 606 North 5th Street 10 Reading, Pennsylvania 19601
Zoom Video Conferencing virtual remote videotaped deposition of ROBERT RICE, taken pursuant to notice, held in Raleigh, North Carolina on Thursday, May 5, 2022, beginning at 10:07 a.m., before Susan L. Singlar, Professional Court Reporter and Notary Public of the Commonwealth of Pennsylvania, there being present.	(484) 509-2715 11 Rich@raiderslaw.com 12 Representing the Plaintiffs 13 14 McNEES WALLACE & NURICK BY: STEPHANIE CARFLEY, ESQUIRE 15 BY: ALAN BOYNTON, ESQUIRE 100 Pine Street 16 Harrisburg, Pennsylvania 17101
Any reproduction of this transcript is prohibited without authorization by the certifying agency.	(717) 581-3724 17 Scarfley@mcneeslaw.com Abitbtib@mcneeslaw.com 18 Representing s Energy Transfer 19 Partners, L.P., Sunoco Pipeline, L.P., Sunoco Logistics, L.P.,
KAPLAN, LEAMAN AND WOLFE Registered Professional Reporters 230 South Broad Street, Suite 1303 Philadelphia, PA 19102 (215) 922-7112	20 21 22 23 24
Page 3	Page 4
1 APPEARANCES (continued):	1 INDEX 2
3 PENNSYLVANIA STATE POLICE ASSISTANT COUNSEL 4 BY: JESSICA DAVIS, ESQUIRE 1800 Elmerton Avenue	WITNESS PAGE 3 ROBERT RICE
5 Harrisburg, Pennsylvania 17100 (717) 787-0388 6 Jessicdavi@pa.gov 7 Representing Trooper Dunsmore and Trooper	4 (Witness sworn.) 8 5 6 EXAMINATION by MR. MARKOS 8
7 Representing Trooper Dunsmore and Trooper Ehgartner and Trooper Benson 8	6 EXAMINATION by MR. MARKOS 8 7 8 EXHIBITS 9
LAVERY LAW 10 BY: FRANK LAVERY, ESQUIRE 225 Market Street 11 Harrisburg, Pennsylvania 17108 (717) 233-6633 12 Flavery@laverylaw.com	10 NUMBER DESCRIPTION PAGE 11 Exhibit-1 Subpoena 15 12 Exhibit-2 Emails 25 13 Exhibit-3 TigerSwan Task Order/Assignment Sheet 29
13 Representing TigerSwan, LLC 14 15 SIANA, BELLWOAR & MCANDREW, LLP	14 Exhibit-4 Black Badger Report 59
BY: CHRISTOPHER P. GERBER, ESQUIRE 941 Pottstown Pike Suite 200 Chester Springs, Pennsylvania 19425 (610) 321-5500 Cpgerber@sianalaw.com	Exhibit-5 Various documents 63 16 17 REQUESTS FOR PRODUCTION: 18
18 Representing Nick Johnson	(NONE) 19 20
20 ALSO PRESENT:	DIRECTION TO WITNESS NOT TO ANSWER:
21 22 CHRIS WEISS-CALHOON, Audio Visual Specialist 23 24	22 PAGE: 68 LINE: 14 23 24

	Page 5		Page 6
1	MS. WEISS-CALHOON: We are on the	1	MR. BOYNTON: Alan Boynton, also for
2	record. My name is Chris Weiss-Calhoon,	2	Energy Transfer Partners and Sunoco Pipeline.
3	certified legal videographer retained by On	3	MS. DAVIS: Jessica Davis for the
4	The Record.	4	Pennsylvania State Police defendants,
5	This is a video deposition in the	5	Ehgartner and Dunsmore.
6	United States District Court for the Middle	6	MS. WEISS-CALHOON: And the court
7	District of Pennsylvania. Today's date is	7	reporter today is Susan Singlar of Kaplan
8	May 5th of 2022. The time on the monitor is	8	Lehman Wolfe and will now administer the oath.
9	10:07 a.m. Eastern Time.	9	THE COURT REPORTER: Before I swear in
10	The deposition is being held virtually	10	the witness, I will ask counsel to stipulate
11	in the matter of Ellen Gerhart, et al versus	11	on the record that the court reporter may
12	Energy Transfer Partners, et al. The deponent	12	swear in the deponent, even though she is not
13	is Robert Rice for the record.	13	in the physical presence of the deponent, and
14	Will the attorneys please state their	14	that there is no objection to that at this
15	appearance for the record?	15	time, nor will there be an objection to it at
16	MR. MARKOS: Christopher Markos for the	16	a future date.
17	plaintiffs.	17	Christopher, can you stipulate to that,
18	MR. RAIDERS: Rich Raider for the	18	please?
19	plaintiff.	19	MR. MARKOS: I do.
20	MR. LAVERY: Frank Lavery for TigerSwan	20	THE COURT REPORTER: Richard?
21	and also representing the witness, Robert	21	MR. RAIDERS: Yes, I do.
22	Rice.	22	THE COURT REPORTER: Stephanie?
23	MS. CARFLEY: Stephanie Carfley for	23	Alan?
24	Sunoco Pipeline and Energy Transfer Partners.	24	MR. BOYNTON: I do.
24	Suitoco i ipeline and Energy Transfer i artifers.	24	MR. BOTNTON. Tuo.
	Page 7		Page 8
1	THE COURT REPORTER: We'll skip	1	ROBERT RICE, having been duly sworn,
2	Stephanie.	2	was examined and testified as follows:
3	Jessica?	3	* * * *
4	MS. CARFLEY: Oh, I'm sorry. I must	4	EXAMINATION
5	have been on mute. I do.	5	* * * *
6	THE COURT REPORTER: Jessica?	6	BY MR. MARKOS:
7	MS. DAVIS: I do.	7	Q. If you can't hear me, this goes for
8	THE COURT REPORTER: Frank?	8	everybody, just tell me to speak up. I'll do by
9	MR. LAVERY: Yup, I do.	9	best. My voice is not a hundred percent.
10	THE COURT REPORTER: And Christopher?	10	Robert, thank you for being here today.
11	Christopher Gerber?	11	•
11 12	Christopher Gerber? MR. GERBER: Yes, I'm fine.	11 12	My name is Chris Markos. I represent the plaintiffs
12	Christopher Gerber? MR. GERBER: Yes, I'm fine. THE COURT REPORTER: And, counsel, can	12	My name is Chris Markos. I represent the plaintiffs in the case that you are here to testify about.
12 13	MR. GERBER: Yes, I'm fine. THE COURT REPORTER: And, counsel, can	12 13	My name is Chris Markos. I represent the plaintiffs in the case that you are here to testify about. Have you ever given a deposition
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12 13 14 15	MR. GERBER: Yes, I'm fine. THE COURT REPORTER: And, counsel, can you represent that to the best of your knowledge and belief, the witness appearing	12 13 14 15	My name is Chris Markos. I represent the plaintiffs in the case that you are here to testify about. Have you ever given a deposition before? A. I have, yes.
12 13 14 15	MR. GERBER: Yes, I'm fine. THE COURT REPORTER: And, counsel, can you represent that to the best of your knowledge and belief, the witness appearing today via Zoom is, indeed, Robert Rice?	12 13 14 15 16	My name is Chris Markos. I represent the plaintiffs in the case that you are here to testify about. Have you ever given a deposition before? A. I have, yes. Q. Do you remember how recently?
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	Page 9		Page 10
1	Q. Were you a party?	1	you verbalize a word, rather than a sound like uh-huh
2	A. Yes.	2	or an uh-uh because that's not clear enough of an
3	Q. You said personnel or personal?	3	answer for the stenographer today or for the record
4	A. Personal.	4	of this conversation.
5	Q. Okay.	5	Does that all make sense so far?
6	Was the case in North Carolina?	6	A. Yes, it does.
7	A. Yes.	7	Q. If you can't understand a question,
8	Q. Okay. Even if you told me you had	8	either because my voice is soft or you just don't
9	given a deposition yesterday, I still go through	9	understand the question, please tell me. I'll do my
10	these ground rules with you because it makes sense to	10	best to accommodate you. If you answer the question,
11	be on the same page.	11	it will be assumed that you understood it.
12	We are not face-to-face today but let's	12	Okay?
13	do our best to act as if we were. Being on Zoom has	13	A. Understood.
14	its own particular set of considerations that we need	14	Q. I don't think we'll be all day. Still,
15	to take into account to make today go smoothly.	15	if you need to take a break at any time, that's no
16	First and foremost is that we let each other finish	16	problem. Only if I've asked you a question you will
17	our respective questions and answers so that nobody	17	finish your answer and then we can take a break.
18	is talking over anybody else. It's hard to have a	18	Okay?
19	conversation that way usually, but especially when	19	A. Yes.
20	you have Susan writing everything down.	20	Q. And, you know, as you know, this
21	Similarly, even though we can all see	21	deposition is being videotaped. It's also being
22	each other, it's important that you verbalize your	22	transcribed. You swore an oath. You're testifying
23	responses, even if you're going to gesture with your	23	today as if you were in court.
24	head to nod or shake your head; and similarly, that	24	Do you understand that?
	Page 11		Page 12
1	Page 11 A. Yes, I do.	1	Page 12 And just so you know, since I have
1 2		1 2	And just so you know, since I have I'm sharing clean documents with you. I would love
	A. Yes, I do.Q. Okay.And that this transcript could one day		And just so you know, since I have I'm sharing clean documents with you. I would love for you to tell me if you need me to zoom in, zoom
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2 3 4 5 6	A. Yes, I do. Q. Okay. And that this transcript could one day be used in this court case? You understand that, as well? A. I do, yeah.	2 3 4	And just so you know, since I have I'm sharing clean documents with you. I would love for you to tell me if you need me to zoom in, zoom out, scroll, whatever. Okay? A. Okay.
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. Yes, I do. Q. Okay. And that this transcript could one day be used in this court case? You understand that, as well? A. I do, yeah. Q. Okay. I'll just do this as sort of a preliminary thing. I'll pull up do you see this document? A. I do. Q. In the middle it says: Subpoena to testify? A. Yes. Q. All right. Do you recall seeing this document before? A. Without reading it, glancing at it, this looks like what I received. Q. If you'd like to read it, please take your time.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	And just so you know, since I have I'm sharing clean documents with you. I would love for you to tell me if you need me to zoom in, zoom out, scroll, whatever. Okay? A. Okay. Q. Do you recall around when you received this document? A. No, not offhand. It's been at least a month. Q. Okay. What did you do after receiving this document? A. I read it. And I was I guess I was a little stunned. It was early in the morning. I tend to, you know, work late at night and I was a little surprised by the knock at the door. So I read it and put it down and I kind of went back to bed. Q. Fair enough. And I'm sorry. Obviously, I have no control over the mechanics.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. Yes, I do. Q. Okay. And that this transcript could one day be used in this court case? You understand that, as well? A. I do, yeah. Q. Okay. I'll just do this as sort of a preliminary thing. I'll pull up do you see this document? A. I do. Q. In the middle it says: Subpoena to testify? A. Yes. Q. All right. Do you recall seeing this document before? A. Without reading it, glancing at it, this looks like what I received. Q. If you'd like to read it, please take your time. A. Yeah. I mean, this is what it looks	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	And just so you know, since I have I'm sharing clean documents with you. I would love for you to tell me if you need me to zoom in, zoom out, scroll, whatever. Okay? A. Okay. Q. Do you recall around when you received this document? A. No, not offhand. It's been at least a month. Q. Okay. What did you do after receiving this document? A. I read it. And I was I guess I was a little stunned. It was early in the morning. I tend to, you know, work late at night and I was a little surprised by the knock at the door. So I read it and put it down and I kind of went back to bed. Q. Fair enough. And I'm sorry. Obviously, I have no control over the mechanics. Did you talk to anybody after receiving
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. Yes, I do. Q. Okay. And that this transcript could one day be used in this court case? You understand that, as well? A. I do, yeah. Q. Okay. I'll just do this as sort of a preliminary thing. I'll pull up do you see this document? A. I do. Q. In the middle it says: Subpoena to testify? A. Yes. Q. All right. Do you recall seeing this document before? A. Without reading it, glancing at it, this looks like what I received. Q. If you'd like to read it, please take your time. A. Yeah. I mean, this is what it looks like.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	And just so you know, since I have I'm sharing clean documents with you. I would love for you to tell me if you need me to zoom in, zoom out, scroll, whatever. Okay? A. Okay. Q. Do you recall around when you received this document? A. No, not offhand. It's been at least a month. Q. Okay. What did you do after receiving this document? A. I read it. And I was I guess I was a little stunned. It was early in the morning. I tend to, you know, work late at night and I was a little surprised by the knock at the door. So I read it and put it down and I kind of went back to bed. Q. Fair enough. And I'm sorry. Obviously, I have no control over the mechanics. Did you talk to anybody after receiving this document? And just so you know, your
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. Yes, I do. Q. Okay. And that this transcript could one day be used in this court case? You understand that, as well? A. I do, yeah. Q. Okay. I'll just do this as sort of a preliminary thing. I'll pull up do you see this document? A. I do. Q. In the middle it says: Subpoena to testify? A. Yes. Q. All right. Do you recall seeing this document before? A. Without reading it, glancing at it, this looks like what I received. Q. If you'd like to read it, please take your time. A. Yeah. I mean, this is what it looks	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	And just so you know, since I have I'm sharing clean documents with you. I would love for you to tell me if you need me to zoom in, zoom out, scroll, whatever. Okay? A. Okay. Q. Do you recall around when you received this document? A. No, not offhand. It's been at least a month. Q. Okay. What did you do after receiving this document? A. I read it. And I was I guess I was a little stunned. It was early in the morning. I tend to, you know, work late at night and I was a little surprised by the knock at the door. So I read it and put it down and I kind of went back to bed. Q. Fair enough. And I'm sorry. Obviously, I have no control over the mechanics. Did you talk to anybody after receiving

1 privileged. I'm not asking about that. 2 A. I talked to my wife. 3 Q. Okay. 4 Did you talk to Nick Johnson? 5 A. Not - not right away. I did later. 6 Q. Okay. 7 Did you talk to anybody at TigerSwan? 8 A. Not specifically. I did call and advised them that I had received this. 9 advised them that I had received this. 10 Q. Do you know who you called? 11 A. I - I - give me n second. I dn. Im 12 just trying to remember his name. 13 Q. Well, let mea kyou a little differently. 14 differently. 15 Did you call a specific person or did 16 you call, like, a general number? 16 Q. We can come back to it. 17 A. I called a specific person. I'm 18 literally just blanking on the name at the moment. 19 Q. We can come back to it. 20 A. Okay. That's fine. 21 Q. And if you remember before I ask you. 22 you can just fell me. 23 Besides that phone call, have you you can just fell me. 24 wpoken to anybody at TigerSwan between receiving this document and today? 25 A. No. 26 A. No. I have not. 27 Q. Okay. 28 Do you know who that person is? 29 A. Yes. 20 Q. Okay. That's fine. 20 Q. Okay. 21 Q. And where did you talk to Nick 22 Johnson after receiving this documents to prepare for your deposition today? 24 spoken to anybody at TigerSwan between receiving this document and today? 26 A. No. I have not. 27 Q. Okay. 28 Do you know who that person is? 39 A. Yes. 40 Q. Okay. That's fine. 41 A. I met him — I'm have to estimate, probably maybe ten years ago through a tech conference. We're both in the same industry. 41 Q. You said 'tech conference?" 42 Q. Okay. 43 Page 16 44 A. No. 45 A. I would say one timbe by phone and twice over text. 46 Q. Okay. 47 A. I would you talk to Nick Dinks and twice over text. 48 A. I would you talk about? 49 A. To a small degree, yes, but not in any detail. 49 C. I have you reviewed any documents to prepare for your deposition today? 40 A. No. I have not. 40 Q. Okay. 41 A. I have had any. 41 A. I have had any. 42 Q. Okay. 43 A. Yes. 44 Do you know who that person is? 45 A. Yes. 46 A. No. I have probably on make		Page 13		Page 14
3 Q. — about this — about this case? 4 Did you talk to Nick Johnson? 5 A. Not — not right away. I did later. 6 Q. Okay. 6 Q. Okay. 7 Did you talk to anybody at TigerSwan? 8 A. Not specifically. I did call and 9 advised them that I had received this. 9 Do you know who you called? 11 A. I — give me a second. I do. I'm 12 just trying to remember his name. 12 just trying to remember his name. 13 Q. Well, I term ask you a little 14 differently. 15 Did you call a specific person or did 16 you call, like, a general number? 17 A. I called a specific person. Tm 18 literally just blanking on the name at the moment. 19 Q. We can come back to it. 19 Q. Wa can come back to it. 20 A. Adi I you remember before I ask you, you can just tell me. 21 Q. And if you remember before I ask you, you can just tell me. 22 you can just tell me. 23 Besides that phone call, have you spoken to anybody at TigerSwan between receiving this between receiving this document and today? 24 spoken to anybody at TigerSwan between receiving this between receiving this document and today? 25 A. Yes. 26 Do you know who that person is? 27 Q. Okay. 28 Do you know who that person is? 29 A. Yes. 20 Q. Okay. That's fine. 20 Okay. 30 Q. Okay. That's fine. 4 Did you talk to Nick 4 Do you know who that person is? 5 Detween receiving this document and today? 6 A. No. I have not. 7 Q. Okay. 8 Do you know who that person is? 9 A. Yes. 10 Q. How do you know him? 11 A. I me thim — I'd have to estimate, probably maybe ten years ago through a tech conference. We're both in the same industry. 14 Q. You said "tech conference?" 15 A. Yes. Idd. 16 Q. Okay. 17 Was that in North Carolina? 18 A. Yes. 19 MR MARKOS: 20 Q. Do you see in the middle? 21 Q. Do you see in the middle? 22 Q. Do you see in the middle? 23 A. Yes. 24 Q. Do you see in the middle? 25 Lance of the middle? 26 A. Yes. 27 Cokay. 28 Do you see in the middle? 29 Cokay. 20 Do you see in the middle? 20 Cokay. 21 Propose through a phone every year. 22 Usually go through a phone every year.	1	privileged. I'm not asking about that.	1	document and today
4 Did you talk to Nick Johnson? 5 A. Not - not right away. I did later. 6 Q. Okay. 7 Did you talk to anybody at TigerSwan? 8 A. Not specifically. I did call and 9 advised them that I had received this. 10 Q. Do you know who you called? 11 A. I - I - give me a second. I do. I'm 12 just trying to remember his name. 13 Q. Well, let me ask you a little 14 differently. 15 Did you call a specific person or did 16 you call, like, a general number? 17 A. I called a specific person. I'm 18 literally just blanking on the name at the moment. 19 Q. We can come back to it. 19 Q. And if you remember before I ask you, 21 Q. And if you remember before I ask you, 22 you can just tell me. 23 Besides that phone call, have you 24 spoken to anybody at TigerSwan between receiving this 25 Did you talk to Kurt Merriweather 26 A. No. I have not. 27 Q. Okay. 28 Do you know who that person is? 39 Q. Okay. Than's fine. 4 Did you talk to Kurt Merriweather 5 between receiving this document and today? 4 A. Yes. 4 Do you know who that person is? 5 A. Yes. 6 A. No. I have not. 7 Q. Okay. 8 Do you know who that person is? 9 A. Yes. 10 Q. Okay. 8 Do you know who that person is? 11 A. I met him — I'd have to estimate, 12 probably maybe ten years ago through a tech 13 Conference. We're both in the same industry. 14 Q. You said 'tech conference?" 15 A. Yes. Idd. 16 Q. Okay. 17 Was that in North Carolina? 18 A. Yes. 19 MR MARKOS: 19 Q. Do you see in the middle? 20 Do you see in the middle? 21 Do you can pust but and in a phone every year. 22 A. Yes go the that I have no idea. I 23 Do you can pust ago through a tech 24 Conference where both in the same industry. 25 A. Yes. 26 Okay. 27 Colay. 28 Do you see in the middle? 29 Colay. 20 Okay. 21 Colay. 22 Con you go the pust ago through a tech 23 Colay. 24 Con you see in the middle? 25 Colay. 26 Okay. 27 Colay. 28 Con you for this document, or 29 Colay. 20 Okay. 31 Colay tell me what you looked at? 32 Colay. 33 Colay that it me. 34 Colay that it it. 35 Colay that it. 36 Colay that it. 37 Colay that it. 3	2	A. I talked to my wife.	2	•
5 A. Not not right away. I did later. 6 Q. Okay. 7 Did you talk to anybody at TigerSwan? 8 A. Not specifically. I did call and advised them that I had received this. 9 advised them that I had received this. 10 Q. Do you know who you called? 11 A. I -I - give me a second. I do. I'm 12 just trying to remember his name. 13 Q. Well, let me ask you a little 14 differently. 15 Did you call a specific person or did 16 you call a specific person. I'm 17 A. I called a specific person. I'm 18 literally just blanking on the name at the moment. 19 Q. We can come back to it. 20 A. Okay. That's fine. 21 Q. And if you remember before I ask you. 22 you can just tell me. 23 Besides that phone call, have you 24 spoken to anybody at TigerSwan between receiving this 25 Did you talk to Kurt Merriweather 26 how to describe it. It was with the attorneys. 27 Q. Okay. 28 Do you know who that person is? 29 A. Yes. 20 Okay. 30 Q. Okay. That's fine. 4 Did you talk to Kurt Merriweather 5 between receiving this document and today? 5 A. Yes. 10 Q. How do you know him? 11 A. I met him - I'd have to estimate, probably maybe ten years ago through a tech conference. We're both in the same industry. 10 Q. You said "tech conference?" 11 A. Yes. 12 Q. Okay. 13 Q. Okay. 14 Q. You said "tech conference?" 15 A. Yes, Idid. 16 Q. Okay. 17 Was that in North Carolina? 18 A. Yes. 19 MR MARKOS: 10 Do you see in the middle? 20 A. Yes. 21 Q. Do you see in the middle? 22 A. Ye gone through - I have no idea. I usually go through a phone every year.	3	Q. Okay.	3	Q about this about this case?
6 Q. Okay. 7 Did you talk to anybody at TigerSwan? 8 A. Not specifically. I did call and 9 advised them that I had received this. 9 Q. Do you know who you called? 10 Q. Do you know who you called? 11 A. I -1 - give me a second. I do. I'm 12 just trying to remember his name. 12 What did you talk about? 13 Q. Well, let me ask you a little 14 differently. 15 Did you call a specific person or did 16 you call, like, a general number? 17 A. I called a specific person. I'm 18 literally just blanking on the name at the moment. 19 Q. We can come back to it. 19 Q. We can come back to it. 20 A. Okay. That's fine. 21 Q. And if you remember before I ask you. 22 you can just tell me. 23 Besides that phone call, have you 24 spoken to anybody at TigerSwan between receiving this documents to prepare for your deposition today? 24 spoken to anybody at TigerSwan between receiving this occument and today? 25 Do Qo	4	Did you talk to Nick Johnson?	4	A. No.
6 Q. Okay. 7 Did you talk to anybody at TigerSwan? 8 A. Not specifically. I did call and 9 advised them that I had received this. 9 Q. Do you know who you called? 10 Q. Do you know who you called? 11 A. I -1 - give me a second. I do. I'm 12 just trying to remember his name. 12 What did you talk about? 13 Q. Well, let me ask you a little 14 differently. 15 Did you call a specific person or did 16 you call, like, a general number? 17 A. I called a specific person. I'm 18 literally just blanking on the name at the moment. 19 Q. We can come back to it. 19 Q. We can come back to it. 20 A. Okay. That's fine. 21 Q. And if you remember before I ask you. 22 you can just tell me. 23 Besides that phone call, have you 24 spoken to anybody at TigerSwan between receiving this documents to prepare for your deposition today? 24 spoken to anybody at TigerSwan between receiving this occument and today? 25 Do Qo	5	A. Not not right away. I did later.	5	Q. Okay.
Did you talk to anybody at TigerSwan? A. Not specifically. I did call and advised them that I had received this. O. Do you know who you called? I. A. I — I — give me a second. I do. I'm I. just trying or remember his name. I. just trying or remember his name. I. differently. A. I wanted to know who the attorneys were. O. Okay. A. I wanted to know who the attorneys were. I. differently. A. I wanted to know who the attorneys were. I. Q. Okay. A. I called a specific person. I'm I. Biterally just blanking on the name at the moment. I. B. this case? A. To a small degree, yes, but not in any detail. O. And If you remember before I ask you, you can just tell me. I. Besides that phone call, have you you can just tell me. I. Besides that phone call, have you you can just tell me. I. Besides that phone call, have you I. Did you talk to Kurt Merriweather between receiving this document and today? I. A. I twas several, I guess—I'm not sure how to describe it. It was with the attorneys. I. Q. Okay. I. A. I read it. I. Q. Before receiving this document, or thereafter, did you make any effort to locate the documents described in that paragraph, that box? I. J. I did to the extent that I thought I might have had any. I. J. I did to the extent that I thought I might have had any. I. J. I was of when? I. A. I met him — I'd have to estimate, probably maybe ten years ago through a tech conference. We're both in the same industry. I. A. I was of when? I. A. I'was of when? I.	6		6	-
8 A. No specifically. Idid call and 9 advised them that I had received this. 10 Q. Do you know who you called? 11 A. 1–1 – give me a second. I do. I'm 12 just trying to remember his name. 13 Q. Well, let me ask you a little 14 differently. 15 Did you call a specific person or did 16 you call, like, a general number? 17 A. I called a specific person. I'm 18 literally just blanking on the name at the moment. 19 Q. We can come back to it. 19 Q. Me and come back to it. 20 A. Okay. That's fine. 21 Q. And if you remember before I ask you, 22 you can just tell me. 23 Besides that phone call, have you 24 spoken to anybody at TigerSwan between receiving this 25 between receiving this document and today? 26 A. No. I have not. 27 Q. Okay. 28 Do you know who that person is? 29 A. Yes. 20 Q. Okay. 21 Da Wod you know who that person is? 22 Do you know who that person is? 23 A. Yes. 24 Spoken to anybody make any effort to locate the documents described in that paragraph, that box? 29 A. Yes. 20 Do you know who that person is? 20 A. Yes. 21 Did you talk to Kurt Merriweather 22 between receiving this document and today? 23 A. Yes. 24 Defore receiving this document or thereafter, did you make any effort to locate the documents described in that paragraph, that box? 30 Q. Okay. 31 A. I wail to the extent that I thought I might have had any. 32 Q. Okay. 33 Q. Okay. 44 Yes. 45 Do you know who that person is? 46 A. Yes. 47 Q. Okay. 48 Do you know him? 49 A. Yes. 40 Page 15 41 A. I read it. 41 A. I me thim — I'd have to estimate, 11 I might have had any. 41 Q. Okay. 42 Probably maybe ten years ago through a tech 20 Conference. We're both in the same industry. 41 Q. You said "tech conference?" 42 A. Yes. 43 A. Yes. 44 Did you look through your phone? 45 A. Yes. I did. 46 Q. Okay. 47 A. Yes. 48 A. Yes. 49 A. Mr. I's a e-it's a Pixel 6, so whenever those came out, so I would guess within a year. 49 Q. You said "tech conference?" 40 A. No. I's a new phone. 40 Q. You said "tech conference?" 41 A. Yes. 41 A. Yes one through a phone every y	7		7	*
9 advised them that I had received this. 10 Q. Do you know who you called? 11 A. I -I -I give me a second. I do. I'm 12 just trying to remember his name. 12 Q. Well, let me ask you a little 13 differently. 15 Did you call a specific person or did 16 you call, like, a general number? 17 A. I called a specific person. I'm 18 literally just blanking on the name at the moment. 19 Q. We can come back to it. 19 A. Okay. That's fine. 20 A. A. Okay. That's fine. 21 Q. And if you remember before I ask you, 22 you can just tell me. 23 Besides that phone call, have you 24 spoken to anybody at TigerSwan between receiving this 25 between receiving this document and today? 26 A. No. That's fine. 27 Q. Okay. That's fine. 28 Did you talk to Kurt Merriweather 29 between receiving this document and today? 30 Q. Okay. That's fine. 31 Q. Okay. That's fine. 32 Q. Okay. That's fine. 33 Q. Okay. That's fine. 34 Did you talk to Kurt Merriweather 45 between receiving this document and today? 46 A. No. Thave not. 47 Q. Okay. 48 Do you know who that person is? 49 A. Yes. 40 Q. How do you know him? 41 A. I me thim — I'd have to estimate, 42 probably maybe ten years ago through a tech 41 Q. You said 'tech conference?' 42 probably maybe ten years ago through a tech 43 Q. Okay. 44 Q. You said 'tech conference?' 45 A. Yes, Idid. 46 Q. Okay. 46 Q. You said 'tech conference?' 47 Was that in North Carolina? 48 A. Yes, Idid. 49 Q. You said 'tech conference?' 40 Q. Okay. 41 Parent did you look through your phone? 42 A. No. It's a new phone. 43 A. Yes. 44 Poyou remember what phone you had in 45 A. Yes. 46 Q. Okay. 47 Q. Okay. 48 Do you see in the middle? 49 Q. Do you see in the middle? 40 Q. Do you see in the middle? 41 A. Yes gone through a phone every year.	8	A. Not specifically. I did call and	8	_
11	9	advised them that I had received this.	9	· · · · · · · · · · · · · · · · · · ·
11	10	Q. Do you know who you called?	10	Q. Okay.
12 Just trying to remember his name. 12 A. I wanted to know who the attorneys were. 13 were. 14 differently. 14 Q. Is that it? Q. Okay. 16 Q. Okay. 16 Q. Okay. 16 Q. Okay. Are you familiar with the Complaint in this case? A. Okay. That's fine. 20 A. Okay. That's fine. 20 A. Okay. That's fine. 21 Q. And if you remember before I ask you, you can just tell me. 22 Q. Basides that phone call, have you spoken to anybody at Tigerswan between receiving this 24 Q. Can you tell me what you looked at? Page 15 A. I read it. A. I rea	11	A. I I give me a second. I do. I'm	11	-
13 Were. 14 differently. 15 Did you call a specific person or did 15 Did you call, like, a general number? 16 you call, like, a general number? 17 A. I called a specific person. I'm 18 literally just blanking on the name at the moment. 18 literally just blanking on the name at the moment. 19 Q. We can come back to it. 19 Q. A. Okay. Thar's fine. 20 A. Okay. Thar's fine. 21 Q. And if you remember before I ask you, you can just tell me. 22 you can just tell me. 23 Besides that phone call, have you spoken to anybody at TigerSwan between receiving this 24 spoken to anybody at TigerSwan between receiving this 25 A. Yes. 26 Q. Can you tell me what you looked at? 27 A. It was several, I guess I'm not sure 28 how to describe it. It was with the attorneys. 3 Q. Okay. Thar's fine. 4 Did you talk to Kurt Merriweather 5 between receiving this document and today? 6 A. No. I have not. 7 Q. Okay. 8 Do you know who that person is? 9 A. Yes. 9 A. Yes. 9 A. Yes. 9 A. Yes. 9 A. I read it. Q. Okay. A. I idid to the extent that I thought I might have had any. 10 Q. Okay. 11 A. I met him I'd have to estimate, 12 probably maybe ten years ago through a tech 13 A. Yes. 14 Q. You said "tech conference?" 14 A. I me thim? 15 A. Yes. 16 Q. Okay. 17 Was that in North Carolina? 18 A. Yes. 19 MR. MARKOS: Just for the record, I'll 19 Part of through a phone every year. 10 Q. Okay. 10 Do you remember what phone you had in 12 BY MR. MARKOS: 12 Q. Do you see in the middle? 22 Q. Do you see in the middle? 23 A. Yes. 24 Q. Tou said "tech to mere receiving this document, or thereafter, did you make any effort to locate the documents described in that paragraph, that box?	12		12	· · · · · · · · · · · · · · · · · · ·
15	13	Q. Well, let me ask you a little	13	-
16 you call, like, a general number?	14	differently.	14	Q. Is that it?
17 A. I called a specific person. I'm 18 literally just blanking on the name at the moment. 19 Q. We can come back to it. 20 A. Okay. That's fine. 21 Q. And if you remember before I ask you, 22 you can just tell me. 23 Besides that phone call, have you 24 spoken to anybody at TigerSwan between receiving this 25 Page 15 26 A. It was several, I guess I'm not sure 27 how to describe it. It was with the attorneys. 28 Q. Okay. That's fine. 29 Do you know who that person is? 30 Q. Okay. 31 Do you know who that person is? 42 Do you know who that person is? 43 Do you know who that person is? 44 Do you know who that person is? 45 Do you know who that person is? 46 Q. How do you know him? 47 Q. Okay. 48 Do you know him? 49 A. Yes. 40 Do you know him? 41 A. I my sorry? 41 Q. You said "tech conference?" 42 A. Yes. 43 Can you tell me what you looked at? 44 Did you talk to Kurt Merriweather between receiving this document, or thereafter, did you make any effort to locate the documents described in that paragraph, that box? 41 A. I did to the extent that I thought I might have had any. 42 Q. Okay. 43 Do you know who that person is? 44 A. My e. my computer and email. 45 Q. Okay. 46 Do you know him? 47 Q. Okay. 48 Do you know him? 49 A. Yes. 40 Okay. 51 A. I'm sorry? 52 Q. Okay. 53 A. Yes. 54 Q. Okay. 55 A. I'm sorry? 56 A. Yes, I did. 57 Q. Okay. 58 Do you look through your phone? 59 A. Yes, I did. 50 Q. Okay. 51 A. Yes. 52 Q. Okay. 53 Cornerence. We're both in the same industry. 54 Q. You said "tech conference?" 55 A. Yes, I did. 56 Q. Okay. 57 Q. Okay. 58 Do you see in the middle? 58 MR. MARKOS: 59 A. Yes. 50 Do you see in the middle? 50 Do you remember what phone you had in 2017? 50 Do you remember what phone you had in 2017? 50 Do you remember what phone every year.	15	Did you call a specific person or did	15	A. Yes.
17 A. I called a specific person. I'm 18 literally just blanking on the name at the moment. 19 Q. We can come back to it. 20 A. Okay. That's fine. 21 Q. And if you remember before I ask you, 22 you can just tell me. 23 Besides that phone call, have you 24 spoken to anybody at TigerSwan between receiving this 25 Page 15 26 A. It was several, I guess I'm not sure 27 how to describe it. It was with the attorneys. 28 Q. Okay. That's fine. 29 Okay. That's fine. 30 Q. Okay. That's fine. 40 Did you talk to Kurt Merriweather 41 between receiving this document and today? 42 between receiving this document and today? 43 A. Yes. 44 Do you know who that person is? 45 Do you know who that person is? 46 A. Yes. 47 Q. Okay. 48 Do you know him? 49 A. Yes. 40 Q. You said "tech conference?" 41 Q. You said "tech conference?" 42 Q. Okay. 43 Conference. We're both in the same industry. 44 Q. You said "tech conference?" 45 A. Yes. 46 Q. Okay. 47 Q. Okay. 48 Do you see in the middle? 49 A. Yes. 40 Can you tell me what you looked at? Page 15 Page 16 A. I read it. A. I read it. A. I read it. Q. Before receiving this document, or thereafter, did you make any effort to locate the documents described in that paragraph, that box? A. I did to the extent that I thought I might have had any. A. My my computer and email. A. My my computer and email. Did you look through your phone? A. I'm sorry? A	16	you call, like, a general number?	16	Q. Okay.
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A. Okay. That's fine. Q. And if you remember before I ask you, Besides that phone call, have you propare for your deposition today? A. Yes. Page 15 A. It was several, I guess I'm not sure how to describe it. It was with the attorneys. Q. Okay. That's fine. Did you talk to Kurt Merriweather between receiving this document and today? A. No. I have not. Q. Okay. Do you know who that person is? A. Yes. Q. Okay. A. Yes. Do you know who that person is? A. I meth im I'd have to estimate, conference. We're both in the same industry. Q. You said "tech conference?" A. Yes. Q. Okay. Respective for the record, I'll mark the Subpoena as Exhibit-1. BY MR. MARKOS: Q. Do you see in the middle? Q. Do you see in the middle? A. I've gone through a phone every year.	18	literally just blanking on the name at the moment.	18	
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1 24 O Let me know when you read that 1 24 O And you don't saye them or keep them?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. It was several, I guess I'm not sure how to describe it. It was with the attorneys. Q. Okay. That's fine. Did you talk to Kurt Merriweather between receiving this document and today? A. No. I have not. Q. Okay. Do you know who that person is? A. Yes. Q. How do you know him? A. I met him I'd have to estimate, probably maybe ten years ago through a tech conference. We're both in the same industry. Q. You said "tech conference?" A. Yes, I did. Q. Okay. Was that in North Carolina? A. Yes. MR. MARKOS: Just for the record, I'll mark the Subpoena as Exhibit-1. BY MR. MARKOS: Q. Do you see in the middle?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. I read it. Q. Before receiving this document, or thereafter, did you make any effort to locate the documents described in that paragraph, that box? A. I did to the extent that I thought I might have had any. Q. Okay. And where did you look? A. My my computer and email. Q. Okay. Did you look through your phone? A. I'm sorry? Q. Did you look through your phone? A. No. It's a new phone. Q. Okay. New as of when? A. It's a it's a Pixel 6, so whenever those came out, so I would guess within a year. Q. Okay. Do you remember what phone you had in 2017? A. I've gone through I have no idea. I
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		Page 17		Page 18
1	A.	No. There's no need to.	1	a laptop or a desktop?
2	Q.	Okay.	2	A. A desktop.
3		Do you have the same computer that you	3	Q. Do you know what brand?
4	had in 2	2017?	4	A. No, no idea.
5	A.	No. I do not.	5	Q. When you reached out to TigerSwan, did
6	Q.	Okay.	6	you ask if they had any of the documents described on
7		Do you have a backup of files that you	7	this Subpoena?
8	would h	have worked on in 2017?	8	A. I did not.
9	A.	In general for what I do in my personal	9	Q. Okay.
10	work, y	es.	10	Did you find any documents?
11	Q.	Yeah.	11	You said you searched before, but did
12	A.	For this, no.	12	you find anything?
13	Q.	Let me ask a question.	13	A. No. I did not.
14		I mean, my understanding, tell me if	14	Q. Is your position then that you have no
15	I'm corr	ect, is that you spent time working in	15	documents that would relate to what's described in
16	Tigersw	van's office in Apex around 2017; is that	16	this Subpoena?
17	correct?	•	17	A. That is correct.
18	A.	That's correct. Yeah.	18	Q. Okay.
19	Q.	And when you worked in the Apex office	19	If you were working on a TigerSwan
20	there, d	id you use your own personal computer or a	20	device, did you have TigerSwan-issued credentials to
21	TigerSv	van device?	21	log into it?
22	A.	TigerSwan device.	22	A. I'm sorry?
23	Q.	Okay.	23	Q. You said you worked on a you used a
24		Can you describe what it was, if it was	24	TigerSwan-issued device when you worked in the Apex
		D 10		D 00
-	cc	Page 19		Page 20
1	office.	37	1	email address?
2	Α.	Yes.	2	A. I did, yes. It's the same email but
3	Q.	Did they issue you credentials to log	3	this is actually the alias for the other one. It's,
4	into it?	W/1 (1	4	like, a forwarder. So it's the same account but with
5	Α.	What do you mean by credentials?	5	a different name.
6	Q.	Like, a user name and password.	6	Q. When you say "alias," is that R2?
7	Α.	I don't recall being issued	7	A. Yes.
8		als. I think it was just I just kind of	8	Q. Right where I have highlighted?
9		it up and I might have logged in on just my	9	A. That's correct.
10		er name.	10	Q. Okay.
11	Q.	Okay.	11	A. No. No. No. I'm sorry. I'm sorry.
12	A	Do you see a different document now?	12	No. R2 at TigerSwan, that's like it's a
13	Α.	I do.	13	forwarding it's a forwarding alias to the actual
14	Q.	I have scrolled down to the top of page	14	account.
15 16	DF 11g	erSwan 1939. And I'm back up to the top.	15	Q. The actual TigerSwan account?
16	A	Do you see where my cursor is?	16	A. That's correct.
17	Α.	Yes.	17	Q. So what's the actual TigerSwan account?
18	Q. T:C	You see where it says: Two R2 at	18	A. It was either R dot Rice or it was
19	TigerSv		19	Robert dot Rice at TigerSwan, if I remember
20	A.	Yes.	20	correctly.
21	Q.	Is that your email?	21	Q. I'm scrolling up to 1938. If you know,
	Λ.	At the now? No. At the time, yes.	22	do you see where it says: Nate Johnson?
22	Α.			
	Q.	That's what I meant. Did you have any other at TigerSwan.com	23 24	A. Yes. Q. And it says: N Johnson at

	Page 21		Page 22
1	TigerSwan.com?	1	that for maybe a year-ish. I was not I was not
2	A. Yes.	2	employed there. I was just kind of a contract
3	Q. Do you recall whether that was Nick	3	consultant so I came in as needed.
4	Johnson's email address?	4	Q. Yeah.
5	A. I believe so.	5	And then you said around the time of
6	If I remember if I may answer your	6	these emails, maybe a year before.
7	previous question.	7	What about after? You see the date is
8	Q. The one who you talked to at TigerSwan?	8	July 17, 2017.
9	A. Yes.	9	A. Yeah. I honestly don't remember much
10	Q. Yeah.	10	after I haven't been involved for for several
11	A. I believe it was Shawn Sweeney.	11	years now. I have been working on other other
12	Q. Is there a reason you reached out to	12	ventures.
13	him in particular?	13	Q. Okay. You said you came in as needed.
14	A. Somebody I know, I guess.	14	Is that what you just previously said?
15	Q. Is he the only person at TigerSwan you	15	A. Yes.
16	still know?	16	MR. LAVERY: Objection. He said he
17	A. I do not know. They have they have	17	worked as a consultant and came in as needed.
18	had some personnel changes since I'm not not	18	MR. MARKOS: Well, I was going to get
19	associated with them.	19	to that.
20	Q. Okay.	20	BY MR. MARKOS:
21	For what period of time are you doing	21	Q. During the time while you were doing
22	work in their Apex office, Tigerswan's Apex office?	22	consulting for TigerSwan, did you do that anywhere
23	A. I don't remember, but it was certainly	23	else besides from within their Apex headquarters?
24	during the time of these emails and then maybe before	24	MR. LAVERY: Object to form.
	during the time of these chians and their maybe before		With Extremely Conject to form.
	Page 23		Page 24
1	Are you saying did he do it for	1	Q. Did that off-site work for TigerSwan
2	TigerSwan anywhere else or do it for anybody	2	ever take you to Pennsylvania?
3	at all anywhere else?	3	A. One time, yes.
4	MR. MARKOS: Yeah. When he was	4	Q. Do you remember when?
5	BY MR. MARKOS:	5	A. I do not.
6	Q. You said he was doing consulting work	6	Q. Do you remember why?
7	for TigerSwan.	7	A. Vaguely. It had something to do with
8	Did you do that only in their office or	8	doing a security assessment on a facility that was
9	did you do consulting work for TigerSwan anywhere	9	having some issues.
10	else?	10	Q. Was it related to a pipeline?
11	Does that make sense?	11	A. It was not.
12	A. Yes. I did do work at other locations	12	Q. Okay.
13	for clients.	13	Was the client Energy Transfer
14	Q. I'm only asking about your consulting	14	Partners, Sunoco Pipeline or Sunoco Logistics?
1 4 -	with TigerSwan.	15	A. I do not know who the client was but I
15			
16	A. I'm trying to figure out how to answer	16	believe the facility was a Sunoco facility.
	9	16 17	believe the facility was a Sunoco facility. Q. Okay.
16	A. I'm trying to figure out how to answer		
16 17	A. I'm trying to figure out how to answer this clearly. There were occasions where a TigerSwan	17	Q. Okay.
16 17 18	A. I'm trying to figure out how to answer this clearly. There were occasions where a TigerSwan client would have work off site, so I would be	17 18	Q. Okay.Do you remember whether they were in
16 17 18 19	A. I'm trying to figure out how to answer this clearly. There were occasions where a TigerSwan client would have work off site, so I would be somewhere else, maybe another country, another, you	17 18 19	Q. Okay. Do you remember whether they were in Pennsylvania? A. I have no clue.
16 17 18 19 20	A. I'm trying to figure out how to answer this clearly. There were occasions where a TigerSwan client would have work off site, so I would be somewhere else, maybe another country, another, you know, whatever. Q. All right. I understand.	17 18 19 20	Q. Okay. Do you remember whether they were in Pennsylvania? A. I have no clue.
16 17 18 19 20 21	A. I'm trying to figure out how to answer this clearly. There were occasions where a TigerSwan client would have work off site, so I would be somewhere else, maybe another country, another, you know, whatever.	17 18 19 20 21	Q. Okay.Do you remember whether they were inPennsylvania?A. I have no clue.Q. Do you remember what year?
16 17 18 19 20 21 22	A. I'm trying to figure out how to answer this clearly. There were occasions where a TigerSwan client would have work off site, so I would be somewhere else, maybe another country, another, you know, whatever. Q. All right. I understand. Did your off-site work ever take you to	17 18 19 20 21 22	 Q. Okay. Do you remember whether they were in Pennsylvania? A. I have no clue. Q. Do you remember what year? A. I do not.

Did you have a written agreement provided services to TigerSwan? A. I believe I did have consulting agreement. Q. Do you still have a copy? A. I do not. Q. Do you still have a copy? A. I do not. Q. Do you recall the terms agreement? MR. LAVERY: Object to form. It's proward a cell phones have bee overboard, too. But he answered. MR. LAVERY: Object to form. It's proward a cell phones have bee overboard, too. But he answered. MR. LAVERY: Object to form. It's proward a cell phones have bee overboard, too. But he answered. MR. LAVERY: Object to form. It's proward a cell phones have bee overboard, too. But he answered. MR. LAVERY: Object to form. It's proward a cell phones have bee overboard, too. But he answered. MR. LAVERY: Object to form. It's proward a cell phones have bee overboard, too. But he answered. MR. LAVERY: Object to form. It's proward a cell phones have bee overboard, too. But he answered. MR. LAVERY: Object to form. It's proward a cell phones have bee overboard, too. But he answered. MR. LAVERY: Object to form. It's proward a cell phones have bee overboard, too. But he answered. MR. LAVERY: Object to form. It's proward a cell phones have bee overboard, too. But he answered. MR. LAVERY: Object to form. It's proward a cell phones have bee overboard, too. But he answered. MR. LAVERY: Object to form. It's proward a cell phones have bee overboard, too. Baking you to do? MR. LAVERY: Object to form. It's proward a cell phones have bee overboard, too. Baking you to do? A. No. I was not. MR. LAVERY: Object to form. It's proward a cell phones have bee down to	Page 26
Q. Okay. Did you have a written agreement pursuant to which you provided services to TigerSwan? A. I believe I did have consulting Q. Do you still have a copy? A. I do not. Q. Do you recall the terms agreement? A. I have had a person personal cell phones have bee overboard, too. But he answered. BY MR. LAVERY: Object to form. It's Q. Was the agreement for a specific period of time? A. No. Q. Did the agreement provide for how the personal cell phones have bee of time? A. No. I do not. Q. Did the agreement provide for how the personal cell phones have bee of time? A. No. I was not. Q. Did the agreement provide for how the personal cell phones have bee of time? A. No. I was not. Q. Did the agreement provide for how the personal cell phones have bee of time? A. No. I was not. Q. Did the agreement provide for how the personal cell phones have bee of time? A. No. I was not. Q. Did the agreement provide for how the last of time? A. No. I was not. Q. Did the agreement provide for how the last of time? A. I don't remember. A. Yes. Page 27 Q. Do you recall if it was in or around A. I do not. Page 27 A. No. I was not. A. I do not. Page 27 Q. Do you recall if it was in or around A. I do not. Page 27 A. No. I was not. A. I do not.	VhatsApp chat?
Did you have a written agreement provided services to TigerSwan? A. I believe I did have consulting agreement. Q. Do you still have a copy? A. I do not. Q. Do you still have a copy? A. I do not. Q. Do you recall the terms agreement? MR. LAVERY: Object to form. It's proward a personal cell phones have bee overboard, too. But he answered. MR. LAVERY: Object to form. It's proward a cell phones have bee overboard, too. But he answered. MR. LAVERY: Object to form. It's proward a cell phones have bee overboard, too. But he answered. MR. LAVERY: Object to form. It's proward a cell phones have bee overboard, too. But he answered. MR. LAVERY: Object to form. It's proward a cell phones have bee overboard, too. But he answered. MR. LAVERY: Object to form. It's proward a cell phones have bee overboard, too. But he answered. MR. LAVERY: Object to form. It's proward a cell phones have bee overboard, too. But he answered. MR. LAVERY: Object to form. It's proward a cell phones have bee overboard, too. But he answered. MR. LAVERY: Object to form. It's proward a cell phones have bee overboard, too. But he answered. MR. LAVERY: Object to form. It's proward a cell phones have bee overboard, too. But he answered. MR. LAVERY: Object to form. It's proward a cell phones have bee overboard, too. But he answered. MR. LAVERY: Object to form. It's proward a cell phones have bee overboard, too. But he answered. MR. LAVERY: Object to form. It's proward a cell phones have bee proward a cell phones have bee developed a cell phones have bee proward a cell phones have b	
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16 of time? 17 A. No. 18 Q. Did the agreement provide for how the 19 relationship could be terminated? 20 A. I don't remember. 21 Q. Back to this document. 22 Now do you see where my cursor is on 23 Monday, July 17th? 24 A. Yes. Page 27 1 Q. Do you recall if it was in or around 2 2016? 3 A. I do not know. 4 Q. Okay. 4 P. Okay. 5 Before Kurt Merriweather introduced you 8 to Nick Johnson, did you know his name? 9 A. No. As I said, he was a referral. 9 Q. Okay. 10 Q. Okay. 11 Q. Okay. 12 Did you request a referral from Kurt 13 A. Yes. 14 Q. What did you ask Kurt Merriweather 15 exactly? 16 Wardinated? 17 A. No. I was not. 18 Q. Okay. 19 How did you meet N. A. He was a referral the was in or around 20 A. He was a referral the had those qualifications to determination? 19 A. I don't remember in the kind of work that you determination? 20 A. I don't remember in the kind of work that you determination? 21 A. I don't remember in the kind of work that you determination? 22 A. I don't remember in the kind of work that you determination?	ell phone by
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18 Q. Did the agreement provide for how the 19 relationship could be terminated? 20 A. I don't remember. 21 Q. Back to this document. 22 Now do you see where my cursor is on 23 Monday, July 17th? 24 A. Yes. Page 27 1 Q. Do you recall if it was in or around 2 2016? 3 A. I do not know. 4 Q. Okay. 5 Before Kurt Merriweather introduced you 6 to Nick Johnson, did you know his name? 7 A. No. 8 Q. Did you know his work? 9 A. No. As I said, he was a referral. 10 Q. Okay. 11 Did you request a referral from Kurt 12 Merriweather? 13 A. Yes. 14 Q. What did you ask Kurt Merriweather 15 exactly? 18 How did you meet N 19 How did you meet N 20 A. He was a referral the was a referral	
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8 Q. Did you know his work? 9 A. No. As I said, he was a referral. 10 Q. Okay. 11 Did you request a referral from Kurt 12 Merriweather? 13 A. Yes. 14 Q. What did you ask Kurt Merriweather 15 exactly? 18 for? 9 A. I assume so, yes. 10 Q. And how did you 11 determination? 12 A. I don't remember in the kind of work that you don't r	
9 A. No. As I said, he was a referral. 10 Q. Okay. 10 Q. And how did you 11 Did you request a referral from Kurt 11 determination? 12 Merriweather? 13 A. Yes. 14 Q. What did you ask Kurt Merriweather 15 exactly? 18 A. I assume so, yes. 10 Q. And how did you 12 determination? 11 determination? 12 A. I don't remember in the kind of work that you do 15 determination? 13 A. I don't remember in the kind of work that you do 15 determination? 14 The kind of work that you do 15 determination? 15 A. I don't remember in the kind of work that you do 15 determination?	hat you were looking
10 Q. Okay. 11 Did you request a referral from Kurt 12 Merriweather? 13 A. Yes. 14 Q. What did you ask Kurt Merriweather 15 exactly? 10 Q. And how did you determination? 11 determination? 12 A. I don't remember in the kind of work that you do do don't remember in the kind of work that you do do don't remember in the kind of work the	
11 Did you request a referral from Kurt 11 determination? 12 Merriweather? 12 A. I don't remember in the state of the stat	1 41 4
12 Merriweather? 13 A. Yes. 14 Q. What did you ask Kurt Merriweather 15 exactly? 19 A. I don't remember in the kind of work that you do the kind of work that you	make that
13 A. Yes. 13 Q. What did you tell 14 Q. What did you ask Kurt Merriweather 14 the kind of work that you do 15 exactly? 15 A. I don't remember s	n this sma-ifi-
14 Q. What did you ask Kurt Merriweather 14 the kind of work that you do 15 exactly? 15 A. I don't remember s	-
15 exactly? 15 A. I don't remember s	
	Johnson who he would
17 Q. Was it in connection to the consulting 17 be doing the work for?	ha specifies of the
18 you were doing with TigerSwan? 18 A. I don't remember to the conversation.	
	it s been several
Q. Do you remember not so much the work 20 years.	hair aguild werr in t
but, like, the type of candidate you were asking for 21 MR. LAVERY: C	
him to refer you to? 22 indicate what the docur	•
A. I was looking for somebody that was number or exhibit number of exhibit numbers of exhibit numbers of exhibit numbers of exhibits and the second number of exhibits numbers of exhibits	
familiar with with overall web development, video 24 mean, obviously, we kn	ow what it is. I can

	Page 29		Page 30
1	see it on the screen, but just so the record's	1	before?
2	clear.	2	A. I believe so, yes.
3	MR. MARKOS: No. I know, Frank. And	3	Q. Okay.
4	I'm trying to write it down because if I don't	4	Your name is on it; correct?
5	I'll forget it.	5	A. Yes.
6	MR. LAVERY: That's why I'm asking you	6	Q. You were going to say something. Go
7	because I will, too.	7	ahead.
8	MR. MARKOS: This is a set of documents	8	A. No. That's fine.
9	Bates stamped Cedar Fork 1 through 29.	9	Q. What does project manager mean?
10	THE COURT REPORTER: Christopher?	10	A. It means project manager, someone who
11	MR. MARKOS: Yes.	11	manages a project.
12	THE COURT REPORTER: Did you want to	12	Q. What project were you managing?
13	mark what you showed previously? I don't	13	A. At this specific time?
14	remember what we were on. It was an email, I	14	Can you be more can you be more
15	think.	15	specific in your question?
16	MR. MARKOS: Yeah. So I showed the	16	Q. The document says: Robert Rice,
17	Subpoena and that will be Exhibit-1. I showed	17	project manager.
18	a set of emails. That will be Exhibit-2. And	18	If you know the project you were
19	then this document will be Exhibit-3.	19	managing that the document identifies you as project
20	THE COURT REPORTER: Thank you.	20	manager for is the question I'm asking.
21	MR. MARKOS: And I'm writing it down so	21	A. Oh, no. I did not have a a specific
22	I don't forget.	22	title. So this whoever wrote this document just
23	BY MR. MARKOS:	23	put that in there. In terms of specific projects, I
24	Q. Robert, have you seen this document	24	handled a variety of projects, so this could be
	Page 31		Page 32
1	anything. It's just a general it just says:	1	MR. LAVERY: Can we just clarify
2	Report to Robert Rice, project manager.	2	whether this project, which we haven't named
3	Q. Can you tell me what the differences	3	at this point, although I think we have some
4	between a project manager and a program manager is?	4	instructions from a judge on it and the names
5	A. In the context of my understanding of	5	on there, was was not Mariner East 2 just
6	these terms in general industry parlance, project	6	so there's no confusion on the record? Or if
7	manager is something specific, i.e., a project, like,	7	you can ask him that question, one or the
8	dig a ditch. Whereas, a program manager would be	8	other.
9	something broader, like, build a building that might	9	MR. MARKOS: You know, I'm trying to be
10	have a ditch.	10	careful about it.
11	Q. Okay.	11	MR. LAVERY: No. And I certainly
12	To the left of your name it says:	12	appreciate that. And that's why I am, too.
13	Reports to.	13	I'm not even bringing up the name of it, but
14	Did Kurt Merriweather report to you	14	it looks like it relates to another project.
15	during the duration of this agreement?	15	I mean, you can certainly ask him if this also
16	A. No.	16	related, you know, to Mariner 2. That's
17	Q. Did Nick Johnson?	17	within your province to do that. But I just
18	A. He sort of.	18	want to make sure the record is clear so
19	Q. Can you explain what you mean by "sort	19	there's no implication that this is a Mariner
20	of?"	20	2 contract.
21	A. Yeah. It was not a a direct report	21	MR. MARKOS: Yeah.
22	sort of relationship. It was more of a collegiate or	22	BY MR. MARKOS:
		23	O Co do you got a lot of nomento to you
23	a collaborative.	43	Q. So do you get a lot of reports to you
23 24	a collaborative. Q. I think understand.	24	that says: Contract name, Robert?

	Page 33		Page 34
1	A. Yes.	1	A. In context of the attorney meeting.
2	Q. And the contract name is DAPL	2	Q. Okay.
3	Information Operations.	3	Was this what I was really trying to
4	Was this the only project you were	4	ask you is: Was this invoice submitted to you for
5	working on with TigerSwan in in 2016?	5	approval for payment back when it was written?
6	A. I don't remember. I may have worked on	6	A. My first time seeing this document was
7	other projects.	7	in conversation with the attorneys.
8	Q. Okay.	8	Q. Okay.
9	Did you do any work related to the	9	Did you also connect Kurt Merriweather
10	Mariner East 2 pipeline in Pennsylvania pursuant to a	10	to TigerSwan?
11	contract named DAPL Information Operations?	11	A. Can you be specific about what you mean
12	A. No. I did not.	12	by connect?
13	Q. Did you do any work pertaining to the	13	Q. Did you make the introduction?
14	Mariner East 2 pipeline in Pennsylvania pursuant to	14	A. Not directly.
15	your consulting work with TigerSwan?	15	Q. Were you working with other people
16	A. No. I did not.	16	around 2016 who knew Kurt Merriweather at TigerSwan?
17	Q. This is Cedar Fork 3. And there's a	17	A. I'm not not quite sure what what
18	bunch of these. I'm just going to show you this one	18	you're asking. I'm trying to be specific in my
19	in particular. This is an invoice that Nick Johnson	19	answers. If you will allow me to go back a second
20	submitted.	20	and maybe rephrase.
21	Have you ever seen this before?	21	Q. All right.
22	A. Yes.	22	A. So Kurt was somebody that I knew and
23	Q. Okay.	23	was, as I mentioned earlier, kind of the referral
24	When did you see it?	24	source to Nick. So my at the time I was looking
	Page 35		Page 36
1	for somebody to help me, so that was Nick.	1	Tigerswan's intentions.
2	So I don't recall a specific	2	Q. Fair enough.
3	hello-TigerSwan-this-is-Kurt sort of conversation.	3	And going back to 2016 and 2017, I'm
4	But I'm sure he would have, you know, had at least a	4	assuming you would have known Shawn Sweeney at
5	conversation somewhere around there. I mean, he	5	TigerSwan?
6	he wasn't really involved in any of this. So as to	6	A. I'm sorry. I could not hear you.
7	whether or not somebody else knew him in some other	7	Q. I'm assuming you would have known Shawn
8	context, you know, I have I have no insight to	8	Sweeney at TigerSwan?
9	that.	9	A. Yes.
10	Q. Perfectly fair.	10	Q. Did you also know Derrick Borror?
11	Let me ask you, if you know, you said	11	A. I couldn't hear you.
12	you were, you know, a direct independent contractor	12	Q. Derrick Borror?
13	with TigerSwan, right?	13	A. Yes.
14	A. I said I was a consultant or a	14	Q. Jim Reese?
15	contractor, yes.	15	A. Yes.
16	Q. But you had an agreement directly with	16	Q. What about Nick McKinnon?
17	them, not through any intermediary, right?	17	A. I know the name but I don't recall
18	A. That's correct.	18	meeting them face-to-face.
19	Q. Okay.	19	Q. Al Ornoski?
20	Do you know why if you brought Nick	20	A. I'm sorry?
21	Johnson on to help you with your work you were doing	21	Q. Al Ornoski?
ı		22	A. I don't remember.
22	for TigerSwan, why TigerSwan wouldn't have made an		11. I don't remember.
22 23	agreement directly with him the same way you had it?	23	Q. John Porter?

Description of the control of the co		Page 37		Page 38
A. Never heard of. Q. Brian Smith? A. Familiar: don't recall much interaction. O. What TigerSwan employees did you primatily interact with in 2016 and 2017? A. It would have been, as you said, Shawn Sewency, Derrick Bornor, Jim Reese, obviously. There was two people in the IRR payroll. It was Heidi — 10 no, not Heidi, Haliey, and Cheyrl, maybe. And there might have been maybe one or two other people through 13 the office that I might have seen in passing in the hallway or I might have charted with. 15 Q. How big was the office? 16 A. I have no idea. It's been several 19 A. I also have no idea. It's been several 19 A. I also have no idea. It's been several 20 years since I have been there. 22 or a desk space? 23 A. There was an area in the corner of an 23 open — of an open area, like — kind of like a 24 open —	1	Q. Chad McGinty?	1	hallway where I had a desk, yes, but I didn't have a
4 called PA Progress? 5 interaction. 5 Q. What TigerSwan employees did you primarily interact with in 2016 and 2017? 7 A. I am peripherally familiar with it, yes peripherally interaction was two people in the IIR payroll. It was Ileid:	2	A. Never heard of.	2	
5 interaction. 6 Q. What TigerSwan employees did you primarily interact with in 2016 and 2017? 8 A. It would have been, as you said, Shawn 9 Sweeney, Derrick Borro, Limph have cheen, as you said, Shawn 11 mo, not Heidt, Hailey, and Cheryl, maybe. And there might have been maybe one or two other people through 12 might have been maybe one or two other people through 13 the office that I might have seen in passing in the 14 hallway or I might have chatted with. 15 with 2 might have been maybe one or two other people through 15 with 2 might have been maybe one or two other people through 16 work one or two other people through 17 with 6 might have seen in passing in the 18 hene are? 18 with 18 might have seen in passing in the 19 with 6 might have seen in passing in the 19 with 6 might have seen in passing in the 19 with 6 might have seen in passing in the 19 with 6 might have seen in passing in the 19 with 6 might have seen in passing in the 19 with 6 might have seen in passing in the 19 with 6 might have seen in passing in the 19 with 6 might have seen in passing in the 19 with 6 might have seen in passing in the 19 with 6 might have seen in passing in the 19 with 6 might have seen in passing in the 19 with 6 might have seen in passing in the 19 with 6 might have seen in passing in the 19 with 6 might have seen in passing in the 19 with 6 might have seen in passing in the 10 with 6 might have seen in passing in the 10 with 6 might have seen in passing in the 10 with 6 might have seen in passing in the 10 with 6 might have seen in passing in the 10 with 6 might have seen in passing in the 11 with 6 might have seen in passing in the 12 with 6	3	Q. Brian Smith?	3	Q. Are you familiar with a Facebook page
6 Q. What TigerSwan employees did you 7 primarily interact with in 2016 and 2017? 8 A. It would have been, as you said, Shawn 9 Sweeney, Derrick Borror, Jim Reese, doviously, There 10 was two people in the HIR payroll. It was Heidi 11 no, not Heidi, Hailey, and Cheryl, maybe. And there 12 might have been maybe one or two other people through 13 the office that I might have seen in passing in the 14 hallway or I might have chanted with. 15 Q. How big was the office? 16 A. I have no idea. 17 Q. Well, do you know how many office space 18 there are? 18 dee are? 19 A. I also have no idea. 17 Q. Well, do you know how many office space 18 there are? 19 A. I also have no idea. It's been several 20 years since I have been there. 21 Q. Did you have a dedicated office space 22 or a desk space? 23 A. There was an area in the corner of an 24 open of an open area, like kind of like a 25 or a desk space? 26 a A. I don't remember. I would speculate 27 that it would have just been a hey, what are you up 28 to, what are you working on, or hey, this is funny 29 sort of conversation. 20 Q. Kary ou familiar with a decirated office space 21 that it would have conversations about it 22 with Kurt Merriweather? 23 A. There was an area in the corner of an 24 open of an open area, like kind of like a 25 Q. What did you talk about with Nick about 26 Pa Pa Progress? 27 Page 39 28 Page 40 29 Q. What did you talk about with Nick about 29 Pa Progress? 29 Page 40 20 Q. Kary. 20 Q. Meaning just BlackBadgerReport.com and 20 nothing else? 21 A. I don't remember but I believe that 22 domain was one of many that I had owned at the time 23 and I might have each it available. 24 R. A. No. 25 Q. And then, just so I understand, you 26 domain was one of many that I had owned at the time 27 A. I don't remember anything like 28 A. It would have just been a levice of the fact 39 A. There was an area in the corner of an ordinary that I had owned at the time 39 and limit have been of many that I had owned at the time 39 and limit have been of	4	A. Familiar; don't recall much	4	called PA Progress?
7 primarily interact with in 2016 and 2017? 8 A. It would have been, as you said, Shawn 9 Sweeney, Derrick Borror, Jim Resse, obviously. There 10 was two people in the HR payroll. It was Heidi 11 no, not Heidi, Hailey, and Cheryl, maybe. And there 12 might have been maybe one or two other people through 13 the office that I might have seen in passing in the 14 hallway or I might have charted with. 15 Q. How big was the office? 16 A. I have no idea. 17 Q. Well, do you know how many office space 18 there are? 19 A. I also have no idea. It's been several 19 years since I have been there. 20 years since I have been there. 21 Q. Did you have a dedicated office space 22 or a desk space? 23 A. There was an area in the corner of an 24 open of an open area, like kind of like a Page 39 1 A. I don't remember. I would speculate 1 that it would have just been a hey, what are you up or of conversation. 4 A. I am familiar with a website called 5 Black Badger Report. 7 A. I am familiar with a website called 6 Black Badger Report. 8 Q. Are you familiar with a website called 6 Black Badger Report. 9 Q. Not the name of a user like website. 9 Q. Not the name of a user like website. 10 A. Yes. 11 Q. Okay. 12 How did you become aware of the fact 13 the first domain name existed? 14 A. I don't remember but I believe that 15 domain was one of many that I had owned at the time 16 and I might have seen in passing in the 17 Q. Who did you nave conversations about it with? 18 A. I don't remember. I would have just 19 been Nick, basically. 10 Q. Okay. 11 If I understand, you correctly, you 21 If I understand, you correctly, you 22 never noted any content onto BlackBadgerReport.com 23 URL? 24 URL? 25 The Widd Avo under of the least 25 URL? 26 You say a "peripherally aware. 26 A. Yes. 27 A. No. 28 A. It would have been nithe time with the dornain name. 29 Q. No have conversations about it with Kurt Merriweather? 29 Q. No have conversations about it with Kurt Merriweather? 20 Q. Okay. 21 If I understand, you or a desk space? 22 A.	5	interaction.	5	A. I am peripherally familiar with it,
8 A. It would have been, as you said, Shawn 9 Sweeney, Derrick Borror, Jim Reese, obviously. There was two people in the IR payroll. It was Heidi — 10 no, not lleidi, Italiey, and Cheyl, maybe. And there might have been maybe one or two other people through 11 the office that I might have seen in passing in the 12 might have been maybe one or two other people through 13 the office that I might have seen in passing in the 14 hallway or I might have chatted with. 15 Q. How big was the office? 16 A. I have no idea. 17 Q. Well, do you know how many office space 18 there are? 19 A. I also have no idea. It's been several 20 years since I have been there. 21 Q. Did you have a dedicated office space 22 or a desk space? 23 A. There was an area in the corner of an 24 open — of an open area, like — kind of like a 24 open — of an open area, like — kind of like a 25 Q. Are you familiar with a website called 26 Black Badger Report? 27 A. I am familiar with a website called 28 Black Badger Report? 39 A. I am familiar with a website called 40 Black Badger Report? 41 A. I am familiar with the domain name. 42 Q. Okay. 43 C. Are you familiar with a website called 44 A. Yes. 45 Q. Okay. 46 Meaning just BlackBadgerReport.com and 47 nothing else? 48 Q. Okay. 49 Okay. 40 Okay. 41 A. I don't remember but I believe that 40 domain was one of many that I had owned at the time 40 and I might have made it available. 41 A. I don't remember. 42 D. Who did you become aware of the fact 43 A. I don't remember but I believe that 44 A. I don't remember but I believe that 45 domain was one of many that I had owned at the time 46 and I might have made it available to? 47 Q. Who did you make it available to? 48 A. It would have eit would have just 49 been Nick, basically. 40 Q. Okay. 41 I mean, do you remember. 41 I mean, do you remember. 42 I mere posted any content onto BlackBadgerReport.com 43 D. A. I man, and you or remember. 44 B. A. Would have eit on high with time in the contributing in the intermedia; 45 A. Correct. Yes. 46 D. A. Correct. Ye	6	Q. What TigerSwan employees did you	6	yes.
9 Sweeney, Derrick Borror, Jim Reese, obviously. There 10 was two people in the HR payroll. It was Helia — 11 no. not Heidi, Halley, and Cheryl, maybe. And there 12 might have been maybe one or two other people through 13 the office that I might have seen in passing in the 14 hallway or I might have chanted with. 15 Q. How big was the office? 16 A. I have no idea. 17 Q. Well, do you know how many office space 18 there are? 19 A. I also have no idea. It's been several 19 A. I also have no idea. It's been several 20 years since I have been there. 21 Q. Did you have a dedicated office space 22 or a desk space? 23 A. There was an area in the corner of an 24 open — of an open area, like — kind of like a Page 39 1 A. I don't remember. I would speculate 2 that it would have just been a hey, what are you up 3 to, what are you working on, or hey, this is funny 4 sort of conversation. 2 A. Tam familiar with a website called 2 Black Badger Report? 3 A. A ram familiar with the domain name. 3 Q. Meaning just BlackBadgerReport.com and 9 nonthing else? 4 A. I adm't remember but I believe that 4 A. I don't remember but I believe that 5 Q. Okay. 11 Q. Okay. 12 How did you become amiliar with it? 12 A. I would have conversations about it with? 13 with? 14 A. I don't remember. I would speculate 15 the remember. 16 A. It would have been Nick. 17 Q. I with Kurt Merriweather? 18 with Kurt Merriweather? 19 A. Talso have no idea. It's been several 19 A. There was an area in the corner of an 22 Q. What did you talk about with Nick about 23 D. What did you talk about with Nick about 24 PA Progress? Page 40 25 Pa Pa Progress? Page 40 26 Pa Progress? Page 40 27 A. No. 28 Q. Jist don't know. 29 What's front end? 29 A. Oh, in this — this context, the front 29 even the front end. 30 Q. Moth the now. 31 University of the fact 41 A. I am familiar with the domain name. 42 Q. What did you become aware of the fact 43 Q. What did you become aware of the fact 44 A. I don't remember anything like 45 Q. A. Or, in this — this context, the front 4	7	primarily interact with in 2016 and 2017?	7	Q. You say "peripherally?"
at the time but it's not something that I spent any time either contributing to or being involved in, so peripherally aware. A. It would have come up in conversation at the time but it's not something that I spent any time either contributing to or being involved in, so peripherally aware. A. I have no idea. A. I have no idea. C. Well, do you know how many office space D. Well, do you know how many office space O. Well, do you know how many office space D. Did you have a dedicated office space O. Did you have conversations about it with Kurt Merriswather? A. I also have no idea. It's been several D. Did you have conversations about it with Kurt Merriswather? A. I also have no idea. It's been several D. Did you have a dedicated office space Or a desk space? A. There was an area in the corner of an open area, like — kind of like a Page 39 A. I don't remember. I would speculate that it would have just been a hey, what are you up No, what are you working on, or hey, this is funny A. I am familiar with a website called Black Badger Report? A. I am familiar with the domain name. Q. Are you familiar with a website called Black Badger Report? A. I am familiar with the domain name. Q. Meaning just BlackBadgerReport.com and nothing else? A. I don't remember but I believe that domain name existed? A. I don't remember but I believe that domain name existed? A. I don't memember but I believe that domain name existed? A. I don't memember anything like that? A. I don't remember anything like that? THE WITNESS: I do not remember making any posts or content. I may have a latest I don't remember.	8	A. It would have been, as you said, Shawn	8	A. Yes.
no, not Heidi, Hailey, and Cheryl, maybe. And there might have been mybe one or two other people through the office that I might have seen in passing in the hallway or I might have chatted with. 14 hallway or I might have chatted with. 15 Q. How big was the office? 16 A. I have no idea. 17 Q. Well, do you know how many office space there are? 18 there are? 19 A. I also have no idea. It's been several 20 years since I have been there. 21 Q. Did you have a dedicated office space years since I have been there. 22 or a desk space? 23 A. There was an area in the corner of an open of an open area, like kind of like a 24 open of an open area, like kind of like a 25 Page 39 1 A. I don't remember. I would speculate that it would have just been a hey, what are you up soft conversation. 25 Q. Are you familiar with the domain name. 26 Q. Are you familiar with the domain name. 27 Q. Meaning just BlackBadgerReport.com and nothing else? 28 D. Meaning just BlackBadgerReport.com and omothing else? 29 D. Meaning just BlackBadgerReport.com and nothing else? 20 D. Meaning in the avenual part of the fact that that domain name existed? 21 D. Did you have conversations about it with Nick undertive the time are in with Kurt Merriweather? 20 D. A. I ton trecall, no. 21 D. A. I don't remember. I would speculate that it would have just been a hey, what are you up to, what are you working on, or hey, this is funny a sort of conversation. 22 D. A. No. 23 D. What did you talk about with Nick about PA Progress? 24 Parogress? 25 Page 40 26 Lit up or configuring on the server side or even even the front end. 27 Q. I just don't know. 28 What's front end? 29 D. Just don't know. 20 Anybid gout alk would have just been a hey, what are you up don't hink you. 30 Lit up or configuring on the server side or even even the front end. 40 D. Just don't know. 41 A. I don't know. 42 Parogress? 43 A. Oh, in this this context, the front end would be the the the framework for the website of the web	9	Sweeney, Derrick Borror, Jim Reese, obviously. There	9	Q. How did you become familiar with it?
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	Page 41		Page 42
1	like, setting up a WordPress sort of think.	1	a clear record. I'm not trying to bust your
2	So yeah. I probably would have stuck a	2	stones. I just want to get a clear record on
3	copyright thing down at the bottom, basic	3	that.
4	stuff. So I mean, that that is considered	4	MR. MARKOS: Yeah. We're not even
5	content, as well in this industry. So I'm	5	there yet; if that was part of what his work
6	trying to I'm trying to answer and be	6	entailed at that period of time. We can
7	specific.	7	narrow it down then.
8	BY MR. MARKOS:	8	THE WITNESS: During that time I did do
9	Q. That's fair enough.	9	work related to social media.
10	When you say "industry," are you	10	By MR. MARKOS:
11	talking just tech in general?	11	Q. Okay.
12	A. Yes.	12	Did you use any aliases doing that
13	Q. Okay.	13	work?
14	During the period of time that we've	14	A. Yeah. I I'm pretty sure I did. I
15	been talking about, '16 and '17, you were working on	15	mean, even for my own personal stuff I used aliases.
16	social media typically, right?	16	It's not it's not common for people to have their
17	A. I'm sorry?	17	full, you know, name and address in there, you know,
18	Q. During the time period we've been	18	Twitter ID or their you know, even an email
19	talking about today, 2016 and '17, you were doing	19	account. I mean so yeah. Sure.
20	work specifically in social media; is that fair?	20	Q. Do you remember what aliases you used
21	MR. LAVERY: I'm just going to object.	21	during that period of time?
22	Are you asking him is that all is	22	A. I have no idea.
23	that the majority, is that all of his work,	23	Q. Alan Rice?
24	did he do other work? I'm just trying to get	24	A. Probably.
	Page 43		Page 44
1	Q. Okay. This was previously marked as	1	video posted to the PA Progress Facebook page.
2	Exhibit-2 to Nick Johnson's deposition.	2	Do you see that?
3	Do you see question number four? I can	3	MR. LAVERY: Object to the form of the
4	make it bigger if you need.	4	question. It asks it doesn't say anything
5	A. A little bigger would be helpful.	5	about being a creator. It says: Identify all
6	Q. Sure.	6	individuals involved in the making of any
7	A. Thank you.	7	videos posted to the PA Progress Facebook
8	And which one were you asking about?	8	page. That's the question.
9	Q. Number four.	9	BY MR. MARKOS:
10	A. Number four. Yes.	10	Q. It said you were involved in the making
11	Q. Do you see the response?	11	of a video posted to the PA Progress Facebook page,
12	A. Yes.	12	one or more videos.
13	Q. Okay.	13	A. That's not what it says.
14	Were you an author of content for a PA	14	Q. Well, any videos.
	B	15	Were you involved in making any videos
15	Progress Facebook page?		
15 16	A. I may have been. I don't recall. Let	16	posted to the PA Progress Facebook page?
	A. I may have been. I don't recall. Let me be specific about that. I may have been for Black	16 17	A. I do not recall being involved in
16	A. I may have been. I don't recall. Let		
16 17	A. I may have been. I don't recall. Let me be specific about that. I may have been for Black	17	A. I do not recall being involved in
16 17 18	A. I may have been. I don't recall. Let me be specific about that. I may have been for Black Badger Report but I don't recall being involved in PA	17 18	A. I do not recall being involved in making any videos that were posted to the PA Progress
16 17 18 19	A. I may have been. I don't recall. Let me be specific about that. I may have been for Black Badger Report but I don't recall being involved in PA Progress.	17 18 19	A. I do not recall being involved in making any videos that were posted to the PA Progress Facebook page.
16 17 18 19 20	A. I may have been. I don't recall. Let me be specific about that. I may have been for Black Badger Report but I don't recall being involved in PA Progress. Q. Okay.	17 18 19 20	A. I do not recall being involved in making any videos that were posted to the PA Progress Facebook page. Q. Do you know who Roberto Bricchi is?
16 17 18 19 20 21	A. I may have been. I don't recall. Let me be specific about that. I may have been for Black Badger Report but I don't recall being involved in PA Progress. Q. Okay. Do you see I'm now looking at number	17 18 19 20 21	 A. I do not recall being involved in making any videos that were posted to the PA Progress Facebook page. Q. Do you know who Roberto Bricchi is? A. I'm not familiar with the name, no.

	Page 45		Page 46
1	Libertarian Unity?	1	terms of interactive media; 3D graphics; web
2	A. Green Libertarian Unity? No. I am	2	technologies; augmented reality; virtual reality;
3	not.	3	simulations; virtual worlds; live in a blockchain;
4	Q. That's what I said, yeah. Okay. I'm	4	some cyber security, as well as, you know, things of
5	going to show what was previously marked as Exhibit-9	5	that that nature, games, whatnot.
6	for Nick Johnson's deposition. You'll have to walk	6	O. Let's see if this works.
7	me through I'm scrolling through it. Tell me when	7	Do you see this website?
8	you want me to go down.	8	A. Yes.
9	My question is: Have you seen this	9	Q. Okay.
10	before?	10	Can you hear that: Hey guys?
11	A. Yes.	11	A. Yes.
12		12	
13	Q. And have you seen it before the year 2022?	13	Q. Okay. ****
14	A. No, not that I'm aware of.	14	(Whereupon, 12 seconds of a video clip
15	Q. Okay.	15	was played.)
16	Have you seen any of the images	16	****
17	separate from the rest of the document before?	17	BY MR. MARKOS:
18	A. I don't believe so.	18	Q. It's about 12 seconds into that video
19	Q. You know, I should have probably asked	19	now.
20	you a little more before.	20	Now going to have you seen this
21	Can you tell me what exactly is your,	21	video before?
22	like, work background?	22	A. Yes.
23	A. I have a varied background. I would	23	Q. Okay.
24	characterize myself as a an industry expert in	24	Have you seen the video before 2022?
	Page 47		Page 48
1	A. Yes.	1	A. Nope.
2	Q. How did you come to see the video?	2	Q. He said he was reporting for Louisiana
3	A. I don't remember.	3	First.
4	Q. Do you remember if you found it on your	4	Are you familiar with the Facebook page
5	own or if it was shared with you?	5	Louisiana First?
6	A. I don't remember. It yeah. I don't	6	A. No. I am not.
7	remember.	7	THE COURT REPORTER: Christopher?
8	Q. Did you contribute to the production of	8	MR. MARKOS: Yeah?
9		9	THE COURT REPORTER: When you play the
	this video?	10	videos, do you want me to write down what the
10	A. No. I did not.	1	person's saying or just put a parenthetical
11	Q. Have you seen the person in this video	11	
12	before, outside of seeing it in a video on the	12	that it was played?
13	internet?	13	MR. MARKOS: You can put a
14	A. No.	14	parenthetical that 12 seconds of the first one
15	****	15	and six seconds of the second one. That's
16	(Whereupon, six seconds of a video clip	16	fine.
17	was played.)	17	THE COURT REPORTER: Okay. Thank you.
18	****	18	MR. MARKOS: Would you like me to
19	BY MR. MARKOS:	19	dictate the URL?
12	Q. Have you seen that video before?	20	THE COURT REPORTER: Whatever you want
20	6		4- 4- 4- (44)6- (4
	A. Yes.	21	to do to identify it.
20	•	21 22	MR. MARKOS: Okay. I'll identify it,
20 21	A. Yes.		•

	Page 49		Page 50
1	backslash, DAPL, hyphen, security, hyphen,	1	probably would have been just one.
2	firm, hyphen, TigerSwan, hyphen, respondent,	2	Q. Okay. This is a website called, I
3	hyphen, two, hyphen, pipeline, hyphen,	3	guess, psychopaths in charge. K Young 4,
4	vandalism, hyphen, by, hyphen, launching,	4	WordPress.com, backslash, 2017, backslash, 07,
5	hyphen, multi state, hyphen, dragnet. I	5	backslash, 12, backslash, The Bridge With Kira Live
6	didn't write the title.	6	from Camp White Pine, hyphens between all of the
7	BY MR. MARKOS:	7	words.
8	Q. So I was asking you about your work	8	Have you seen this website before,
9	history.	9	Robert?
10	Do you remember in 2017, let's say, did	10	A. I do not believe so, no.
11	you have any employers other than your consulting job	11	Q. The video on the website, I'm going to
12	with TigerSwan?	12	play a second of it.
13	MR. LAVERY: Object to the form of the	13	****
14	question.	14	(Whereupon, 45 seconds of a video clip
15	But you can answer.	15	was played.)
16	THE WITNESS: I believe so. I mean, I	16	****
17	did a variety of contract consulting work and	17	MR. MARKOS: Susan, note I jumped to
18	I also was working on my own company in	18	about 6:15 and played about 45 seconds of the
19	startup.	19	video.
20	BY MR. MARKOS:	20	MR. LAVERY: Yeah. I think you played
21	Q. Did you have one or more than one	21	it until about 6:42, I think, Chris.
22	company that you had control over that you worked	22	MR. MARKOS: It says: 6:58.
23	for?	23	MR. LAVERY: All right. I just saw
24	A. I don't recall but at the time it	24	6:42 when you ended it. But either way,
			,
	Page 51		Page 52
1	either one is fine by me.	1	Was there somebody at TigerSwan who was
2	BY MR. MARKOS:	2	supervising whatever work Nick Johnson was doing?
3	Q. And then below it it says: In a	3	A. No. In most context, if there was a
4	talking circle style interview, Kira talks to Camp	4	need for any supervise or anything it would have been
5	White Pine activists.	5	me. But as I said, our relationship was fairly
6	I know it's a long way of asking a	6	casual.
7	simple question, but if you recall, did you listen to	7	Q. Sure.
8	or watch this video before, Robert?	8	What about, you know, assigning work?
9	A. I do not believe so. This is the first	9	How would Nick Johnson be assigned
10	time for me.	10	work?
11	Q. You said that you got Nick involved to	11	MR. LAVERY: Object to form without
12	help you in what you were doing, right, Nick Johnson?	12	foundation.
13	A. I I I believe that's what I said.	13	But go ahead. You can answer.
14	Q. Yeah.	14	THE WITNESS: In the normal course of
15	And you said it was an egalitarian kind	15	our working relationship we would sit and
16	of sharing of the workload; fair?	16	discuss things that may need to be done or a
17	A. I don't recall saying the word	17	direction that we thought things may need to
18	egalitarian.	18	go or, you know, it was sort of self tasking
19	Q. No. You didn't say that. But you said	19	to some degree. You know, if I for
20	it wasn't like he wasn't reporting to you.	20	example, if I needed to get a ditch dug and we
21	You weren't watching over his shoulder	21	were, you know, discussing about the ditch,
22	and supervising him; is that fair?	22	you know, I might volunteer to grab a shovel
23	A. In general, yes.	23	and dig on the left and he might volunteer to
	0 01	1	1 1 11 1 1 1 1 1 1
24	Q. Okay.	24	grab a wheelbarrow or he may just kind of go

i	Page 53		Page 54
1	off on his own and grab a shovel and start	1	Okay?
2	digging the ditch from the other side.	2	Using the metaphor you used earlier of
3	So it wasn't, like, a normal, you know,	3	digging a ditch versus building a house, as a
4	work environment where somebody walks in with,	4	consultant at TigerSwan, was the house that you were
5	you know, a great big list of tasks in a	5	working on for those entities?
6	highly managed sort of environment where we	6	MR. LAVERY: Object to form.
7	have very specific things to get done, if	7	You can answer.
8	that if that makes any sense.	8	THE WITNESS: I believe I stated
9	BY MR. MARKOS:	9	earlier that I did not work on anything
10	O. I think it does.	10	related to the ME2 pipeline.
11	So using your metaphor, you know, of	11	BY MR. MARKOS:
12	digging a ditch and building a house, as a consultant	12	Q. Yes, but that wasn't what I asked you.
13	with TigerSwan, was the house being built for either	13	A. Okay.
14	Energy Transfer Partners, Sunoco Pipeline or Sunoco	14	MR. LAVERY: Just so I can understand
15	Logistics?	15	the record at this point, you're just asking
		1	
16 17	MR. LAVERY: Object to form. You can answer.	16 17	him in general? MR. MARKOS: I am.
		1	
18	THE WITNESS: Can you be more specific?	18	MR. LAVERY: With all projects that he
19	You asked about several different things	19	did with TigerSwan?
20	there.	20	This is not focusing on ME2 because he
21	BY MR. MARKOS:	21	said he gave no direction or supervision on
22	Q. Great. So I'm asking about three	22	ME2.
23	related entities, Energy Transfer Partners, Sunoco	23	So am I correct on that?
24	Pipeline, Sunoco Logistics.	24	MR. MARKOS: Yes, Frank.
	Page 55		Page 56
1	MR. LAVERY: Okay.	1	Q. Okay.
2	Go ahead. You can answer then, Robert.	2	You were still an independent
3	THE WITNESS: As shown on the previous	3	contractor or consultant during TigerSwan in July of
4	documentation you shared, I was involved in	4	'17; would you agree with that?
5	another project underneath or that was related	5	A. That sounds about right. I don't
6	TO EHELYV TRAUSIEL.	6	_
6 7	to Energy Transfer. BY MR MARKOS:	6	recall the last time that I did work there so
7	BY MR. MARKOS:	6	recall the last time that I did work there so Q. Okay.
7 8	BY MR. MARKOS: Q. Right.	6 7 8	recall the last time that I did work there so Q. Okay. Do you recall if you were still working
7 8 9	BY MR. MARKOS: Q. Right. And that project referenced the Dakota	6 7 8 9	recall the last time that I did work there so Q. Okay. Do you recall if you were still working there in August of '17?
7 8 9 10	BY MR. MARKOS: Q. Right. And that project referenced the Dakota Access Pipeline, right?	6 7 8 9	recall the last time that I did work there so Q. Okay. Do you recall if you were still working there in August of '17? A. I have no idea.
7 8 9 10 11	BY MR. MARKOS: Q. Right. And that project referenced the Dakota Access Pipeline, right? A. Yes.	6 7 8 9 10 11	recall the last time that I did work there so Q. Okay. Do you recall if you were still working there in August of '17? A. I have no idea. MR. LAVERY: I'm sorry. I just object
7 8 9 10 11 12	BY MR. MARKOS: Q. Right. And that project referenced the Dakota Access Pipeline, right? A. Yes. Q. Did you work on any other projects that	6 7 8 9 10 11 12	recall the last time that I did work there so Q. Okay. Do you recall if you were still working there in August of '17? A. I have no idea. MR. LAVERY: I'm sorry. I just object to the form. I'm sorry.
7 8 9 10 11 12 13	BY MR. MARKOS: Q. Right. And that project referenced the Dakota Access Pipeline, right? A. Yes. Q. Did you work on any other projects that were either Energy Transfer or Sunoco projects during	6 7 8 9 10 11 12 13	recall the last time that I did work there so Q. Okay. Do you recall if you were still working there in August of '17? A. I have no idea. MR. LAVERY: I'm sorry. I just object to the form. I'm sorry. BY MR. MARKOS:
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7 8 9 10 11 12 13 14 15 16	BY MR. MARKOS: Q. Right. And that project referenced the Dakota Access Pipeline, right? A. Yes. Q. Did you work on any other projects that were either Energy Transfer or Sunoco projects during your time with TigerSwan? A. Other than the other one that I mentioned where I did the security review for a facility?	6 7 8 9 10 11 12 13 14 15 16	recall the last time that I did work there so Q. Okay. Do you recall if you were still working there in August of '17? A. I have no idea. MR. LAVERY: I'm sorry. I just object to the form. I'm sorry. BY MR. MARKOS: Q. When you during the course of your consulting work for TigerSwan, did they pay you directly or did they pay, you know, a company that you controlled?
7 8 9 10 11 12 13 14 15 16 17	BY MR. MARKOS: Q. Right. And that project referenced the Dakota Access Pipeline, right? A. Yes. Q. Did you work on any other projects that were either Energy Transfer or Sunoco projects during your time with TigerSwan? A. Other than the other one that I mentioned where I did the security review for a facility? Q. Yes.	6 7 8 9 10 11 12 13 14 15 16 17 18	recall the last time that I did work there so Q. Okay. Do you recall if you were still working there in August of '17? A. I have no idea. MR. LAVERY: I'm sorry. I just object to the form. I'm sorry. BY MR. MARKOS: Q. When you during the course of your consulting work for TigerSwan, did they pay you directly or did they pay, you know, a company that you controlled? A. I think they always paid me directly.
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7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	BY MR. MARKOS: Q. Right. And that project referenced the Dakota Access Pipeline, right? A. Yes. Q. Did you work on any other projects that were either Energy Transfer or Sunoco projects during your time with TigerSwan? A. Other than the other one that I mentioned where I did the security review for a facility? Q. Yes. A. The answer's no. Q. Okay. Was it a cyber security or, like, a	6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	recall the last time that I did work there so Q. Okay. Do you recall if you were still working there in August of '17? A. I have no idea. MR. LAVERY: I'm sorry. I just object to the form. I'm sorry. BY MR. MARKOS: Q. When you during the course of your consulting work for TigerSwan, did they pay you directly or did they pay, you know, a company that you controlled? A. I think they always paid me directly. Q. Okay. So would you be able to look at your payment records and determine when you stopped being
7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	BY MR. MARKOS: Q. Right. And that project referenced the Dakota Access Pipeline, right? A. Yes. Q. Did you work on any other projects that were either Energy Transfer or Sunoco projects during your time with TigerSwan? A. Other than the other one that I mentioned where I did the security review for a facility? Q. Yes. A. The answer's no. Q. Okay. Was it a cyber security or, like, a physical something other physical location?	6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	recall the last time that I did work there so Q. Okay. Do you recall if you were still working there in August of '17? A. I have no idea. MR. LAVERY: I'm sorry. I just object to the form. I'm sorry. BY MR. MARKOS: Q. When you during the course of your consulting work for TigerSwan, did they pay you directly or did they pay, you know, a company that you controlled? A. I think they always paid me directly. Q. Okay. So would you be able to look at your payment records and determine when you stopped being paid by TigerSwan?
7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	BY MR. MARKOS: Q. Right. And that project referenced the Dakota Access Pipeline, right? A. Yes. Q. Did you work on any other projects that were either Energy Transfer or Sunoco projects during your time with TigerSwan? A. Other than the other one that I mentioned where I did the security review for a facility? Q. Yes. A. The answer's no. Q. Okay. Was it a cyber security or, like, a	6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	recall the last time that I did work there so Q. Okay. Do you recall if you were still working there in August of '17? A. I have no idea. MR. LAVERY: I'm sorry. I just object to the form. I'm sorry. BY MR. MARKOS: Q. When you during the course of your consulting work for TigerSwan, did they pay you directly or did they pay, you know, a company that you controlled? A. I think they always paid me directly. Q. Okay. So would you be able to look at your payment records and determine when you stopped being

	Page 57		Page 58
1	I'd have to figure out when the last time was that I	1	me a proper request for it, I will get it for
2	did work that they would have paid me for, and I	2	you.
3	don't know when that is and I don't know how far back	3	MR. MARKOS: Sure. I don't know what
4	I could maybe find bank records for, so I don't know.	4	else to ask for besides his 1099s from 2017.
5	Q. Fair.	5	MR. LAVERY: Yeah. I know. I'd ask
6	If you were an independent contractor	6	him the same thing if I were you. That's
7	in 2017 you would have filed a 1099, right?	7	fine.
8	A. Yeah.	8	MR. MARKOS: Okay.
9	Q. Do you maintain your tax records going	9	BY MR. MARKOS:
10	back to 2017?	10	Q. (Inaudible)
11	A. I do not. I have an accountant that	11	A. I can't hear you.
12	does.	12	Q. Can you hear me now?
13	Q. Who is your accountant?	13	A. Yes.
14	MR. LAVERY: I don't think he has to	14	MR. LAVERY: I think it's when you move
15	give you don't have to give them your	15	back or away from whatever the microphone
16	personal accountant. I mean, if you want	16	source is that's a problem.
17	records from his accountant, Chris, related	17	MR. MARKOS: This computer has two,
18	specifically to this subject, get me a request	18	quote, unquote 360 degree microphones.
19	and I'll work with I'll work with him on	19	MR. LAVERY: Good luck with that.
20	it. But he's not disclosing his personal	20	MR. MARKOS: But you guys tell me all
21	accountant.	21	the time that you can't hear me, so I don't
22	MR. MARKOS: That's fine, Frank.	22	know. I'm going to blame the technology.
23	MR. LAVERY: I know. But seriously,	23	MR. LAVERY: I can hear you fine. As
24	I'm not trying to obstruct you. If you give	24	long as you're, like, right there, I can hear
	Page 59		Page 60
			1490 00
1		1	
1 2	you fine. It's when you kind of move a little	1 2	MR. LAVERY: It's been produced it's
			MR. LAVERY: It's been produced it's been produced in the case, though?
2	you fine. It's when you kind of move a little bit, that's the problem.	2	MR. LAVERY: It's been produced it's
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2 3 4	you fine. It's when you kind of move a little bit, that's the problem. MR. MARKOS: Yeah. BY MR. MARKOS: Q. You said you had some conversations	2 3 4	MR. LAVERY: It's been produced it's been produced in the case, though? MR. MARKOS: I'm pretty sure it's in our initial disclosures, Frank. MR. LAVERY: It could have been. I
2 3 4 5	you fine. It's when you kind of move a little bit, that's the problem. MR. MARKOS: Yeah. BY MR. MARKOS:	2 3 4 5	MR. LAVERY: It's been produced it's been produced in the case, though? MR. MARKOS: I'm pretty sure it's in our initial disclosures, Frank.
2 3 4 5 6	you fine. It's when you kind of move a little bit, that's the problem. MR. MARKOS: Yeah. BY MR. MARKOS: Q. You said you had some conversations with Nick Johnson and he mentioned PA Progress,	2 3 4 5 6	MR. LAVERY: It's been produced it's been produced in the case, though? MR. MARKOS: I'm pretty sure it's in our initial disclosures, Frank. MR. LAVERY: It could have been. I just have so much stuff in this case that it's
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	Page 61		Page 62
1	links at the top of this page?	1	Q. Okay. What I just put up is Bates
2	A. What are the links?	2	stamped Gerhart 88 to 125.
3	Q. Okay.	3	MR. LAVERY: I'm sorry.
4	You have report, Russian Russian	4	Can you give me that again, the
5	funding environmental activist groups to shake up	5	numbers.
6	American energy markets, report, The Intercept is	6	MR. MARKOS: 88 to 125.
7	connected to communist groups, report, water	7	MR. LAVERY: Okay.
8	protector leaks details on shocking camp life.	8	MR. MARKOS: This was definitely part
9	A. Okay.	9	of our initial disclosures because that's
10	So you're referring to these as	10	where I found it.
11	articles? Oh, I see. So when you hoover over it I	11	BY MR. MARKOS:
12	can see the links. Okay. I'm sorry.	12	Q. Okay. I'm going to ask you some
13	But would you repeat the question? I	13	questions, Robert, just like I asked before, if you
14	understand what you're talking about.	14	have any recollection of creating or contributing to
15	Q. So what we're looking at right now,	15	posts on PA Progress.
16	does this refresh your recollection one way or the	16	So do you see this link to the video
17	other whether you may have worked on any of these	17	that we looked at before?
18	three links?	18	A. Yes.
19	A. These look familiar but I don't recall	19	Q. Okay.
20	working on either of these links or or	20	There's a caption above it, PA Progress
21	contributing to writing.	21	added a video?
22	Q. The same question for the next three	22	A. Uh-huh. Yes.
23	here.	23	Q. Any recollection one way or the other
24	A. The same as before.	24	if you had any involvement in this posting to
	Page 63		Page 64
1	5Facebook?	1	Did you contribute to this post?
2	A. I did not.	2	A. No.
3	Q. All right. Back to Gerhart 97 99,	3	Q. This is 124, PA Progress posting a link
4	the same question.	4	to BlackBadgerReport.com.
5	Any recollection if you had any help in	5	Did you create or contribute to this
6	creating or posting this?	6	post?
7	A. I did not.	7	A. No.
1 ′			
8	O. You did not or you don't recall?	8	
8 9	Q. You did not or you don't recall?A. No. I did not contribute or post or .	8 9	Q. Do you know if Nick Johnson did?
9	A. No. I did not contribute or post or .	9	Q. Do you know if Nick Johnson did?A. I don't know directly.
	A. No. I did not contribute or post or		Q. Do you know if Nick Johnson did?A. I don't know directly.Q. Do you know if anybody else had access
9 10	A. No. I did not contribute or post or Q. This one is long so I can scroll and	9	Q. Do you know if Nick Johnson did?A. I don't know directly.
9 10 11	A. No. I did not contribute or post or	9 10 11	 Q. Do you know if Nick Johnson did? A. I don't know directly. Q. Do you know if anybody else had access to PA Progress Facebook page? A. I do not know who had access to the
9 10 11 12	 A. No. I did not contribute or post or . Q. This one is long so I can scroll and you tell me, but the same question. A. I did not. 	9 10 11 12	 Q. Do you know if Nick Johnson did? A. I don't know directly. Q. Do you know if anybody else had access to PA Progress Facebook page? A. I do not know who had access to the page.
9 10 11 12 13	A. No. I did not contribute or post or . Q. This one is long so I can scroll and you tell me, but the same question.	9 10 11 12 13	 Q. Do you know if Nick Johnson did? A. I don't know directly. Q. Do you know if anybody else had access to PA Progress Facebook page? A. I do not know who had access to the page. Q. I'm going to ask the same question
9 10 11 12 13 14	 A. No. I did not contribute or post or . Q. This one is long so I can scroll and you tell me, but the same question. A. I did not. Q. You did not post this or contribute? A. That's correct. 	9 10 11 12 13 14	 Q. Do you know if Nick Johnson did? A. I don't know directly. Q. Do you know if anybody else had access to PA Progress Facebook page? A. I do not know who had access to the page. Q. I'm going to ask the same question about Nick Johnson with what I already went through
9 10 11 12 13 14 15	 A. No. I did not contribute or post or . Q. This one is long so I can scroll and you tell me, but the same question. A. I did not. Q. You did not post this or contribute? A. That's correct. MR. LAVERY: What's the page number on 	9 10 11 12 13 14 15	 Q. Do you know if Nick Johnson did? A. I don't know directly. Q. Do you know if anybody else had access to PA Progress Facebook page? A. I do not know who had access to the page. Q. I'm going to ask the same question about Nick Johnson with what I already went through with you, so page 105.
9 10 11 12 13 14 15	 A. No. I did not contribute or post or . Q. This one is long so I can scroll and you tell me, but the same question. A. I did not. Q. You did not post this or contribute? A. That's correct. 	9 10 11 12 13 14 15 16	 Q. Do you know if Nick Johnson did? A. I don't know directly. Q. Do you know if anybody else had access to PA Progress Facebook page? A. I do not know who had access to the page. Q. I'm going to ask the same question about Nick Johnson with what I already went through
9 10 11 12 13 14 15 16	A. No. I did not contribute or post or . Q. This one is long so I can scroll and you tell me, but the same question. A. I did not. Q. You did not post this or contribute? A. That's correct. MR. LAVERY: What's the page number on that, Chris, so we have it?	9 10 11 12 13 14 15 16	 Q. Do you know if Nick Johnson did? A. I don't know directly. Q. Do you know if anybody else had access to PA Progress Facebook page? A. I do not know who had access to the page. Q. I'm going to ask the same question about Nick Johnson with what I already went through with you, so page 105. Do you know if Nick Johnson posted
9 10 11 12 13 14 15 16 17	 A. No. I did not contribute or post or . Q. This one is long so I can scroll and you tell me, but the same question. A. I did not. Q. You did not post this or contribute? A. That's correct. MR. LAVERY: What's the page number on that, Chris, so we have it? MR. MARKOS: Gerhart 105 to 106. 	9 10 11 12 13 14 15 16 17	 Q. Do you know if Nick Johnson did? A. I don't know directly. Q. Do you know if anybody else had access to PA Progress Facebook page? A. I do not know who had access to the page. Q. I'm going to ask the same question about Nick Johnson with what I already went through with you, so page 105. Do you know if Nick Johnson posted this: New information on Huntington protest camp has
9 10 11 12 13 14 15 16 17 18	A. No. I did not contribute or post or . Q. This one is long so I can scroll and you tell me, but the same question. A. I did not. Q. You did not post this or contribute? A. That's correct. MR. LAVERY: What's the page number on that, Chris, so we have it? MR. MARKOS: Gerhart 105 to 106. MR. LAVERY: Okay.	9 10 11 12 13 14 15 16 17 18	 Q. Do you know if Nick Johnson did? A. I don't know directly. Q. Do you know if anybody else had access to PA Progress Facebook page? A. I do not know who had access to the page. Q. I'm going to ask the same question about Nick Johnson with what I already went through with you, so page 105. Do you know if Nick Johnson posted this: New information on Huntington protest camp has surfaced?
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9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. No. I did not contribute or post or	9 10 11 12 13 14 15 16 17 18 19 20 21	Q. Do you know if Nick Johnson did? A. I don't know directly. Q. Do you know if anybody else had access to PA Progress Facebook page? A. I do not know who had access to the page. Q. I'm going to ask the same question about Nick Johnson with what I already went through with you, so page 105. Do you know if Nick Johnson posted this: New information on Huntington protest camp has surfaced? A. I don't know who posted any of this stuff on this site. I don't know who had access to it and I don't know who created it. I can make

	Page 65		Page 66
1	MR. MARKOS: Let's take a short break.	1	Q. Do you know Derrick's family?
2	MR. LAVERY: Sure.	2	A. I've never met them.
3	MR. MARKOS: Do you need more than five	3	Q. Okay.
4	minutes, everybody?	4	MR. LAVERY: Last name, Chris, Finley
5	MR. LAVERY: I don't. Five will cover	5	or Finley?
6	what I need to do.	6	MR. MARKOS: I said Derrick's family.
7	MS. WEISS-CALHOON: Going off the	7	MR. LAVERY: Oh, Derrick's family. Got
8	record at 11:25 Eastern Time.	8	it. Sorry.
9	* * * *	9	BY MR. MARKOS:
10	(Whereupon, a brief recess was taken.)	10	Q. Did you understand my question, Robert?
11	* * * *	11	A. I believe so, yeah.
12	(Whereupon, testimony resumed on the	12	Q. Okay.
13	stenographic and video records.)	13	Are you being paid to be here today?
14	* * * *	14	A. I am not.
15	MS. WEISS-CALHOON: We are now	15	Q. Okay.
16	recording and back on the record at 11:32	16	Your position is that and I
17	Eastern Time.	17	shouldn't say position.
18	BY MR. MARKOS:	18	What you said before was you were what
19	Q. Robert, do you know if Nick Johnson	19	you would call an independent contractor or a
20	knew Derrick Borror?	20	consultant for TigerSwan, right?
21	A. Yes.	21	A. Say that again.
22	Q. Okay.	22	Q. You were an independent consultant of
23	Did he know Derrick's family?	23	TigerSwan, that's your testimony?
24	A. I'm not aware.	24	A. Yes.
	Page 67		Page 68
1	Q. You were never an employee of	1	stenographic and video records.)
2	TigerSwan?	2	****
3	A. That is correct.	3	MS. WEISS-CALHOON: We're back on the
4	Q. Okay.	4	record at 11:36 Eastern Time.
5	You're represented by an attorney	5	BY MR. MARKOS:
6	today; correct?	6	Q. Do you recall, Robert, since we talked
7	MR. LAVERY: Yes, he is. That's me.	7	a little bit about before one of the projects you
8	MR. MARKOS: Okay.	8	worked on worked on pertained to the Dakota Access
9	BY MR. MARKOS:	9	Pipeline, do you recall when encampments opposing the
10	Q. Did you since you said Kurt was your	10	pipeline were cleared out?
11	referral source for Nick Johnson, Kurt Merriweather,	11	MR. LAVERY: Are you talking about
12	right?	12	Dakota Access Pipeline?
13	A. Yes.	13	MR. MARKOS: I am.
14	Q. And did you report to Kurt about Nick	14	MR. LAVERY: I think that's beyond the
15	Johnson's performance?	15	scope of discovery as permitted by the Judge,
16	A. I don't recall ever doing so, no.	16	so I'm going to instruct him not to answer
17	MR. MARKOS: Okay. Sorry. Let's go	17	that.
18	off for one second.	18	MS. CARFLEY: And we join for the
19	MS. WEISS-CALHOON: Off the record at	19	Energy Transfer co-defendants.
20	11:34 Eastern Time.	20	MR. MARKOS: I'm not asking about work
21	****	21	that was done on other pipelines. My question
22	(Whereupon, a brief recess was taken.)	22	is if he knows when encampments were cleared
23	****	23	out, and I don't have a follow-up question to
24	(Whereupon, testimony resumed on the	24	that. It's a yes or no.
27			

	Page 69		Page 70
1	MR. LAVERY: All right. All right.	1	the stenographic record only.)
2	You know what? Just just go ahead	2	****
3	and answer it, if you know. If you don't	3	THE COURT REPORTER: So I have
4	know, that's fine, too.	4	questions I need to ask the attorneys about
5	THE WITNESS: I don't know.	5	the transcript.
6	MR. LAVERY: Don't guess.	6	Christopher, do you get full size,
7	THE WITNESS: I don't know.	7	minuscript or both, Christopher Markos?
8	MR. MARKOS: That's all I have.	8	MR. MARKOS: I would just like a mini,
9	MR. LAVERY: Anybody else?	9	Susan.
10	THE COURT REPORTER: Excuse me.	10	THE COURT REPORTER: Frank?
11	Who joined in the objection because I	11	MR. LAVERY: Mini, emailed, please with
12	couldn't	12	exhibits, to the extent you get them.
13	MS. CARFLEY: It was Stephanie on	13	THE COURT REPORTER: How about
14	behalf of Energy Transfer.	14	Christopher Gerber?
15	MR. LAVERY: All right. Robert,	15	MR. GERBER: Mini is fine.
16	disconnect before they ask you something else,	16	THE COURT REPORTER: Stephanie?
17	sir.	17	MS. CARFLEY: Mini, please.
18	MS. WEISS-CALHOON: Let's end the	18	THE COURT REPORTER: Jessica?
19	video.	19	MS. DAVIS: Just a mini, please.
20	So there's no other questions; correct?	20	THE COURT REPORTER: Is regular
21	All right. Well, that concludes the	21	delivery time okay?
22	deposition at 11:38 Eastern Time.	22	MR. MARKOS: Regular is fine.
23	****	23	****
24	(Whereupon, a discussion was held on	24	(Whereupon, the videotaped deposition
	Page 71		Page 72
1	was concluded at 11:39 a.m. and Robert Rice	1	CERTIFICATION
2	was excused.)	2	
3	* * * *	3	I hereby certify that the proceedings and
4		4	evidence noted are contained fully and accurately in
5		5	the stenographic notes taken by me upon the foregoing
6		6	matter on Thursday, May 5, 2022, and that this
7		7 8	is a correct transcript of the testimony given by the witness of the same.
8		9	withess of the same.
9		10	
10		11	
11			Susan L. Singlar
12		12	Registered Professional Reporter
13			and Notary Public
14		13	My Commission Expires:
15		1 1	November 20, 2022
16		14 15	
17		16	(The foregoing certification of this transcript
18		17	does not apply to any reproduction of the same by any
19		18	means, unless under the direct control and/or
20		19	supervision of the certifying reporter.)
21		20	
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